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# **RAJASTHAN RULES COMPENDIUM**

( IN 16 VOLUMES )  
( 1949 TO 1967 )

*By*  
**VYAS & BAFNA**



## **BAFNA BOOK DEPOT**

LAW BOOKSELLERS AND PUBLISHERS  
CHAURA\_RASTA, JAIPUR-3

Published by  
**BAFNA BOOK DEPOT**  
JAIPUR.

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**Price Rupees Twenty Five for Each Volume**

Printed at :  
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&  
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**Mahaveer Park Road, JAIPUR.**

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( 1949 to 1967 )

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*Rules and Notifications under*

**MOTOR VEHICLES ACT, 1939 (CENTRAL ACT  
No. 4 OF 1939 )**

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# The Rajasthan Motor Vehicles RULES, 1951.

Jaipur, March 30, 1951.

No. F-5 (19)/T.C./51.—In exercise of the powers conferred by sections 21, 41, 65, 68, 70, 71 (2), 73, 74, 75, 77, 80, 86 (2), 88, 90 and 91 of the Motor Vehicles Act, 1939, of the Central Legislature, as adapted to Rajasthan, by the Rajasthan Motor Vehicles Act 1939 (Act IV of 1939) the Government of the State of Rajasthan is pleased to make the following Rules:—

By Order of  
His Highness the Rajpramukh,  
B. S. RANAWAT,  
Secretary to the  
Government of Rajasthan.  
Transport Department.

Under the Rajasthan Motor Vehicles Act, 1939  
(Act IV of 1939)

## CHAPTER I

### Preliminary.

1. *Short title and application.*—These rules may be called the Rajasthan Motor Vehicles Rules, 1951.

2. *Commencement and extent.*—They shall come into force with immediate effect and shall extend to the whole of the State of Rajasthan.

3. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

(a) “the Act” means the Motor Vehicles Act, 1939, of the Central Legislature.

(b) “articulated vehicle” means a tractor to which a trailer is attached in such manner that part of the trailer is superimposed on, and part of the weight of the trailer is borne by, the tractor;

(c) “State Transport Authority” means the State Transport Authority constituted for the State of Rajasthan under sub-section (1) of section 44 of the Act;

(d) “dealer” means a manufacturer or repairer of, or dealer in, motor vehicles;

(e) “Form” means a Form set forth in the first Schedule to the Act or appended to these Rules;

(f) “Magistrate” means a salaried Magistrate;

(g) "passenger" for the purposes of these rules, means any person travelling in a public service vehicle other than the driver or the conductor or an employee of the permit-holder while on duty;

(h) "pounds" mean pounds avoirdupois;

(i) "Regional Transport Authority" means a Regional Transport Authority constituted under sub-section (1) of section 44 of the Act;

(ii) "State" or "State of Rajasthan" means the State of Rajasthan as formed by section 10 of the States Re-organisation Act, 1956 (Central Act 37 of 1956).

(j) "taxi-meter" means any approved mechanical device attached to a motor cab for the calculation and legible exhibition of fares and other charges due from the passengers therein; and

(k) "Regional Transport Officer" means any officer appointed by the Government to perform the functions of a Regional Transport Officer under these rules and includes an Assistant Regional Transport Officer so appointed.

## CHAPTER II.

### Licensing of Drivers of Motor Vehicles.

#### *Notes*

Chapter II of the Motor Vehicles Act, 1939 deals with Licensing of Drivers of Motor Vehicles. Sub-section (1) of section 21 of the Act authorised the State Government to make rules for the purpose of carrying into effect the provisions of Chapter II. Such rules are required to provide for—

- (a) the appointment, jurisdiction, control and functions of licensing authorities and other prescribed authorities;
- (aa) the conduct of persons to whom licences to drive transport vehicles or contract carriages are issued;
- (b) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees;

Provided that no fee so fixed shall exceed two rupees:

- (c) the issue of duplicate licences to replace licences lost, destroyed or mutilated, the replacement of photographs which have become obsolete, and the issue of temporary licences to persons receiving instruction in driving, (or to persons whose driving licences have been surrendered) and the fees to be charged therefor;
- (d) the conditions subject to which a Regional Transport Authority may disqualify a person for holding a [driving licence] to drive a transport vehicle;
- (dd) the badges and uniform so be worn by drivers of stage carriages or contract carriages and the fees to be paid in respect of badges;
- (e) the medical examination and testing of applicants for [driving licences] and of driver and the fees to be charged therefor;
- (f) the exemption of prescribed persons, or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter.
- (g) the granting by registered medical practitioners of the certificates referred to in sub-section (3) of section 7;
- (h) the communication of particulars of licences granted by one licensing authority to other licensing authorities.
- (i) the control of schools or establishments for the instruction of drivers of motor vehicles and the acceptance of driving certificates issued by such schools or establishments as qualifying the holder for exemption from Part I of test specified in the Third Schedule;

- (j) the exemptions drivers of road-rollers from all or any of the provisions of this Chapter or of the rules made thereunder, and  
(k) any other matter which or to be, or may be, prescribed.

The rules in this Chapter have been framed on the authority of section 21 of the Act.

4. *Licensing Authority.*—The licensing authority shall be the District Superintendent of Police for his district.

5. *Authorisation to drive public service vehicle.*—No person shall drive a public service vehicle within Rajasthan unless authorization has been granted by a licensing authority within Rajasthan.

6. *Validity of authorization to drive.*—(1) The authorization to drive a public service vehicle shall be in Form D and shall, subject to the provisions of sub-rule (2), be effective throughout Rajasthan.

(2) No person shall drive a public service vehicle in any place or on any route in Rajasthan that may from time to time be notified by the registering authority.

7. *Application for authorization.*—The holder of a licence may, at any time, apply to the licensing authority in Form LPSA for the grant or counter-signature of an authorization.

Such application shall be accompanied by the licence.

8. An application for an authorization made be forwarded together with an application for licence.

9. *Fee.*—No fee shall be charged for the grant of an authorization (see Eighth Schedule).

10. The authority to which application is made under rule 7 may, if it thinks fit, by notice in writing summon the applicant to appear before it at such time and place as the authority may appoint and may in the case of the holder of a licence issued outside Rajasthan, require the applicant to pass the test as set forth in the Third Schedule to the Act, notwithstanding that the applicant shall previously have passed the test.

11. *Issue.*—The licensing authority granting an application for an authorization shall sign or countersign the licence accordingly and return the same to the holder thereof and shall at the same time send intimation to the authority by which the licence was issued in Form LPS.

12. *Reasons for rejections to be given.*—If the licensing authority rejects an application for an authorization it shall inform the applicant in writing, giving its reasons, and shall return the licence to him.

13. *Licensing authority may make enquiries.*—Upon the receipt of an application for a licence licensing or for an authorization to drive a public service vehicle, the authority may make such enquiries as may be reasonably necessary to establish the identity of the applicant and to ascertain that the applicant is not disqualified or liable to be disqualified for holding a licence.

14. *Testing Officer.*—The test of competence to drive as set forth in the Third Schedule to the Act shall be conducted by the licensing authority or by a person authorised by such authority.

15. *Driving Test.*—Subject to sub-section (7) of section 7 of the Act, the applicant shall furnish a serviceable vehicle of the class to which the application refers and present himself for test at such time and place as may be specified by the licensing authority, or the testing officer.

#### Notes

Sub-section (7) of Section 7 of the Act lays down that,—“(a) a person who passes the test in driving a heavy motor vehicle shall be deemed also to have passed the test in driving any medium motor vehicle or light motor vehicle;

(b) a person who passes the test in driving a medium motor vehicle shall be deemed also to have passed the test in driving any light motor vehicle.

16. The fee payable by the applicant for the test of competence to drive shall be (see Eighth Schedule) for each test and shall be paid before the test is commenced. It shall not be refunded in any circumstances:

Provided that no fee shall be charged for test if the applicant previously held a licence, granted or renewed under any provision of law which was in force in any part of India at the time it was granted or last renewed, to drive a vehicle of the class to which the application refers and was prevented from obtaining or renewing a licence in accordance with the provisions of the Act, on the expiry of the previous licence.

17. *Appellate authority.*—The authority empowered to hear appeals under sub-section (2) of section 13 or sub-section (3) of section 15 of the Act shall be the Regional Transport Authority.

#### Notes

Sub-Section (2) of Section 13 provides that an appeal against order refusing or revoking licence shall lie to the prescribed authority, Sub-Section (3) of Section 15 of the Act provides for an appeal, against the Order of Licencing Authority disqualifying a person from holding a driving licence, to the prescribed Authority. This rule prescribes the Appellate Authority as required under sections referred above.

18. *Appeal of refusal of authorisation.*—Any person aggrieved by an order of the licensing authority refusing to grant or countersign an authorization to drive a public service vehicle may appeal to the Regional Transport Authority.

19. *Time for appeal.*—An appeal under rule 18 shall be preferred within thirty days of the receipt of the order of refusal by the person aggrieved.

20. *Conduct and hearing of appeals.*—An appeal under rule 18 and an appeal under sub-section (2) of section 13 or sub-section (3) of section 15 of the Act shall be in the form of a memorandum setting forth concisely the grounds of objection to the order which is the subject of appeal and shall be accompanied by the original or

a certified copy of that order. A fee of (see Eighth Schedule) shall be paid in respect of each appeal, such payment being made by means of court fee stamp affixed to the memorandum of appeal.

21. *Medical certificate-photograph.*—The photograph to be affixed to the medical certificate of fitness in Form C shall be firmly affixed and not merely pinned to the Form and the medical practitioner shall affix his signature or seal to the photograph in addition to signing the Form.

22. *Rejection of old certificate.*—The licensing authority may decline to accept a medical certificate of fitness granted more than one month before the date of application for the grant or renewal of a licence as the case may be.

23. *Certificate issued under old rules.*—Subject to the provisions of rule 22 the licensing authority may accept as a valid medical certificate of fitness a certificate previously accepted by a licensing authority in any part of the State of Rajasthan.

24. *Photograph-size.*—The copies of the photograph required by sub-section (4) of section 7 of the Act shall be of a size not more than two inches by two inches and a half.

25. *Sealing of photograph*—The photograph of the holder when affixed to a licence shall be sealed or stamped with the seal of the licensing authority in such a manner that part of the impression of the seal or stamp is upon the photograph and part on the margin.

26. *Demand for recent photograph.*—If at any time it appears to a licensing authority that the photograph affixed to the licence has ceased to be a clear likeness of the holder, the licensing authority may require the holder to surrender the licence forthwith and to furnish two clear copies of a recent photograph of himself and the holder shall, within such period as the licensing authority may specify, appear in person before the licensing authority and present the photographs accordingly. If the holder fails to comply with a requisition by the licensing authority under this rule the licence shall cease to be valid from the expiry of the said period.

27. *Duplicate licence with new photograph.*—(1) Upon receipt of the copies of photograph as provided in rule 26 the licensing authority shall remove the old photograph from the licence and affix and seal thereto one copy of the new photograph and return the licence to the applicant and shall, if he is not the licensing authority by whom the licence was issued, forward the second copy of the photograph to that authority:

Provided that if the holder of the licence so desires the licensing authority shall issue a duplicate licence with the new photograph affixed thereto and shall destroy the original licence. In such case if the licensing authority is not the authority by whom the licence was issued, he shall inform the original licensing authority.

(2) When a new photograph is affixed to a licence a note shall be made upon the photograph of the date of affixture.

28. *Fee.*—The fee for a duplicate licence issued under rule 27 shall be (see Eighth Schedule).

29. *Licence-lost or destroyed-information.*—If at any time a licence is lost or destroyed, the holder of such licence shall forthwith intimate the fact in writing to the licensing authority, having jurisdiction over the area in which he has his place of residence at the time in Form LLD or in a letter setting out the particulars required by that Form.

30. *Duplicate.*—Upon the receipt of the intimation specified in rule 29, the licensing authority shall, if satisfied after making such enquiries as it thinks fit that a duplicate licence may properly be issued, issue a duplicate licence:

Provided that where the licence concerned was issued by some other licensing authority, the particulars of the licence and of any endorsements thereon shall be obtained from that authority before issuing the duplicate licence.

31. *Photograph for Duplicate.*—Where a photograph is required to be affixed to a duplicate licence issued under the provisions of these rules, the holder of the licence shall furnish the licensing authority with two clear copies of a recent photograph of himself, one of which shall be affixed to the duplicate licence and the other shall be transmitted by the authority issuing the duplicate licence to the authority by which the licence was issued.

32. *Fee.*—The fee for a duplicate licence issued under rule 30 shall be (see Eighth Schedule).

33. *Licence-lost delivery.*—When a duplicate licence has been issued upon representation that a licence has been lost and the original licence is afterwards found by the holder, it shall be delivered to the licensing authority. Any other person finding a driving licence shall deliver it to the holder of the licence or to the nearest police station.

34. *Licence-defaced or torn or impounding of.*—If at any time it appears to a licensing authority that a licence held by any person is so torn or defaced in any way as to cease to be reasonably legible, the licensing authority may impound the licence and issue a duplicate. If a licence impounded as aforesaid is required to have a photograph of the holder affixed thereto, then,—

(1) If the photograph on the impounded licence is in the opinion of the licensing authority satisfactory and conveniently transferable to the duplicate licence the licensing authority may so transfer, affix and seal the photograph to the duplicate licence; or

(2) If the photograph affixed to the impounded licence is not in the opinion of the licensing authority such as can be transferred to the duplicate licence, the holder of the licence shall, on demand

by the licensing authority, furnish two clear copies of a recent photograph of himself, one of which shall be affixed to the and the other shall be recorded duplicate licence and sealed by the licensing authority by whom the licence was issued.

35. *Fee.*—The fee for a duplicate licence issued under rule 34 shall be (see Eighth Schedule).

36. *Duplicate to be stamped.*—When a duplicate licence is issued under rule 27, 30 or 34, it shall be clearly stamped 'Duplicate' in red and shall be marked with the date of issue of the duplicate and the seal of the licensing authority.

37. *Intimation to issuing authority*—If the licensing authority which issues a duplicate licence is not the authority by which the licence was issued, it shall intimate the fact to that authority.

38. *Intimation to original licensing authority.*—If the licensing authority which affixes a new photograph to a duplicate licence is not the authority by which the licence was issued, it shall forward the second copy to that authority for record.

39. *Temporary authorisation in lieu of licence.*—(1) When the holder of a licence has submitted the licence to a licensing authority for renewal or for obtaining an authorisation to drive a public service vehicle and has deposited the prescribed fee, or when a Police or Transport Officer or any Court or other competent authority has taken temporary possession of a licence for any purpose and the licence has not been suspended or cancelled, the licensing authority, or the Police Officer or the Court or other competent authority, as the case may be, shall furnish him with a receipt for the licence and temporary authorisation to drive under sub-section (3) of section 129 of the Act in Form L Tem., provided that no such temporary authorisation shall be granted if the licence is renewed and returned, or returned with an authorization to drive a public service vehicle on the date on which the application is received by the licensing authority. During such period as may be specified in the temporary authorisation in Form L Tem., the production thereof on demand shall be deemed to be production of the licence. No fee shall be payable in respect of such temporary authorization.

(2) Until the licence has been returned to the holder he shall not be entitled to drive a motor vehicle (without being in possession of his licence) beyond the period specified in the temporary authorization as aforesaid:

Provided that the authority, Court or Police Officer by which the temporary authorization aforesaid was granted may in its, or his discretion, by order in writing endorsed thereon, extend the period for which the temporary authorization is valid.

#### Notes

Sub-section 3 of section 129 requires a Police Officer or other person seizing a licence to give the person surrendering the licence a temporary acknowledgement therefor. Such acknowledgement shall authorise the holder to drive until the licence has been returned to him.

40. *Learner's licence.*—Sub-section (1) of section 3 of the Act shall not apply to any person driving a motor vehicle in a public place during the course of receiving instruction or of gaining experience in driving with the object of presenting himself for the test required by clause (a) of sub-section (6) of section 7 of the Act, so long as—

- (i) the driver is a holder of a learner's licence in Form LLr. entitling him to drive the vehicle;
- (ii) there is, beside the driver in the vehicle as an instructor, a person duly licensed to drive the vehicle and sitting in such a position as to be able readily to stop the vehicle;
- (iii) there is affixed both to the front and rear of the vehicle a plate or card as set forth below:—

Plate (or card) seven inches square to be white, with letter.

"L" in red,  
4 inches high,  $3\frac{1}{2}$  inches  
wide:



Provided that clause (ii) shall not apply to a person driving a two wheeled motor cycle with or without a side car attached.

#### Notes

Subsection (1) of section 3 lays down the general rule of necessity to driving licence. This rule has been framed for the requirements of sub-section (2) of section 3 of the Act. It provides that:—(2) A State Government may prescribe the conditions subject to which sub-section (1) shall not apply to a person receiving instruction in driving a motor vehicle.

41. *Application for.*—An application for a learner's licence shall be made to the licensing authority having jurisdiction in the area in which the applicant ordinarily resides in Form LLr. A and shall be accompanied by a fee of (see Eighth Schedule).

42. *Validity.*—A learner's licence shall be valid for a period of three months and may be renewed for further periods of three months on payment of a fee of (see Eighth Schedule) for each such renewal.

43. *Disqualification—Procedure on.*—A licensing authority taking possession of a licence under clause (a) of sub-section (2) of section 15 of the Act shall, if the licence was issued by another licensing authority, intimate the fact to that authority.

44. *Endorsement of disqualification.*—When a Regional Transport authority declares a person disqualified under sub-section (1) of section 16 of the Act, it shall, if the person holds a licence, endorse the licence accordingly and shall send intimation of such declaration to the authority by which the licence was issued.

45. *Endorsement of licence by court.*—The court making or causing to be made an endorsement on a licence under section 19 of the Act shall send intimation in Form LE to the licensing authority by which the licence was issued and the licensing authority by which it was last renewed.

46. *Intimation of renewal to original licensing authority.*—A licensing authority renewing a licence under the provision of sub-section (4) of section 11 of the Act, shall intimate the fact to the licensing authority by which the licence was issued, in Form LR.

47. *Intimation of addition to licence.*—A licensing authority adding, under sub-section (3) of section 6 of the Act, to the classes of motor vehicles which a licence authorizes the holder to drive shall, if it is not the authority by which the licence was issued intimate the addition to that authority in Form LAD.

48. *Licence—refusal to renew after three years.*—The licensing authority may refuse to renew a licence if a period exceeding three years has elapsed since the date of last renewal.

49. *Certificate of automobile associations.*—For the purposes of the second proviso to sub-section (6) of section 7 of the Act, the following Automobile Associations are recognized associations:—

- (1) The Automobile Association of Bengal.
- (2) The Automobile Association of Southern India.
- (3) The Automobile Association of Northern India.
- (4) The Uttar Pradesh Automobile Association.
- (5) The Western India Automobile Association.

Provided that this power shall be exercised by the aforesaid Association in respect of their members only, and the fees of the test of competence collected by the Associations shall be remitted by the Association concerned, with the certificate, and the certificate shall not be considered to be valid unless the fee is so remitted. The aforesaid Associations shall also maintain regular and proper accounts of such collections and shall allow Officers of the Office of the Accountant General, Rajasthan, or officers authorised by the Transport Commissioner (Director of Transport) Rajasthan, to inspect, such accounts.

50. *Report of change of address.*—The holder of a licence entitling him to drive as a paid employee or to drive a public service vehicle shall, except in the case of a temporary absence not involving a change of residence for a period exceeding three months, report any change of his temporary or permanent address as notified on the licence to the licensing authority by whom the licence was issued and to the licensing authority by whom it was last renewed.

51. *School of motoring.*—(a) No person shall engage in the business of giving instruction for hire or reward in the driving of motor vehicles, nor shall any person advertise or otherwise publicly undertake to give such instruction, without the approval of the licensing authority of the area in which he has his place of business granted in Form MS and constituting the said person as a school of motoring.

(b) The licensing authority shall have power to refuse approval to the setting up of a school of motoring if in his opinion there is a sufficient number of such schools in existence in the area.

(c) Any change in the address of the place of business of a school of motoring shall within fourteen days of the change of address be intimated to the licensing authority.

(d) The premises of a school of motoring shall at all reasonable times be open for inspection by any person deputed by the licensing authority.

(e) The licensing authority may, at any time, for reasons to be intimated in writing, withdraw his approval and the approval in Form MS shall thereupon be surrendered by the holder.

(f) The licensing authority shall have power to approve the nature and duration of courses of instruction and the number of pupils to be instructed at any one time.

(g) It shall be a condition of maintenance of any school of motoring that the licensing authority shall be satisfied that—

- (i) the proprietor and staff are of good character and qualified to give instruction;
- (ii) the undertaking is financially sound;
- (iii) the proprietor maintains an adequate number of vehicles fitted with dual controls for the instruction of students and other necessary apparatus and equipment;
- (iv) the proprietor maintains a record with photographs of the students attending the school from time to time, the duration of their instruction and the dates on which they passed the test indriving specified in the Act.

52. *Exemption of certain persons from licence and test of competence fees*—No fee shall be charged under this Chapter—

(i) from the Rules of Indian States, the members of their families, or

(ii) from the members of the Police or Fire Brigade when licences to drive Police or Fire Brigade motor vehicles are issued to them.

“(iii) form one member of the Technical Co-operation Mission of U. S. A. stationed at Udaipur.”

53. *Driving licence to be in actual possession of holder.*—Every driver, when driving a motor vehicle, shall keep his driving licence with him, *i.e.*, on his person or in the motor vehicle, so that he can produce it immediately on the demand of any police or transport officer.

### CHAPTER III.

#### Registration of Motor Vehicles.

##### *Notes*

The provisions of the Act corresponding to these rules are contained in Chapter III of the Act. The rule making power for these rules is contained in section 41 of the Act. Sub-section (2) of section 41 requires that rules may provide for—

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the conduct and hearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees;

(b) the appointment, functions and jurisdiction of registering and other prescribed authorities;

(c) the issue of certificates of registration and fitness and duplicates of such certificates to replace the certificates lost, destroyed or mutilated;

(cc) the production of certificates of registration before the registering authority for the revision of entries therein of particulars relating to the registered weight or the colour or colours of the body, wings and front end of vehicle;

(d) the temporary registration of motor vehicles, and the issue of temporary certificates of registration and marks;

(e) the manner in which registration marks and the particulars referred to in sub-section (1) of section 37, and other prescribed particulars shall be exhibited;

(f) the fees to be charged for the issue or alteration of certificates of registration, for certificates of fitness, for registration marks, and for the examination or inspection of motor vehicles, and the refund of such fee;

(ff) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;

(g) the forms, other than those set forth in the First Schedule, to be used for the purposes of this Chapter;

(h) the communication between registering authorities of particulars of certificates of registration and by owners of vehicles registered outside the State of particulars of such vehicles and of their registration;

(i) *{Omitted by Act 100 of 1956}* \*

(j) the extension of the validity of certificates of fitness pending consideration of application for their renewal;

(k) the exemption from the provisions of this Chapter, and the conditions and fees for exemption, of motor vehicles in the possession of dealers;

(l) the exemption of road-rollers, graders and other vehicles designed and used solely for the construction, repair and cleansing of road from all or any of the provisions of this Chapter and the rules made thereunder, and the conditions governing such exemption; and the exemption of goods vehicle being light motor vehicles] from the provisions of section 38 and the conditions governing such exemption; and

(m) any other matter which is to be or may be prescribed.

54. *Registering Authority.*—The registering authority shall be the District Magistrate for his District.

55. *Temporary registration—Delegation of power.*—Subject to the provisions of section 25 of the Act and rule 59, temporary certificates of registration may be issued by the persons appointed for the purpose by the registering authority.

56. *Registration Marks—Assignment and exhibition of.*—  
(a) The registration mark to be assigned under sub section (3) of section 24 of the Act in accordance with the Sixth Schedule to the Act by the registering authority specified in the first column of the First Schedule to these rules shall be as set forth in the corresponding entry in the second column thereof.

(b) The registration mark shall be clearly and legibly exhibited on a plane surface of a plate or part of the vehicle both at the front and rear facing direct to the front or rear, as the case may be, in the manner hereinafter specified.

(c) The registration mark shall be in English letters and numerals, and—

(i) save in the case of a motor cycle or an invalid carriage, the letters shall be not less than  $2\frac{1}{2}$  inches high and  $\frac{5}{8}$  inch thick at any part, the numerals shall not be less than  $3\frac{1}{2}$  inches high and  $\frac{3}{4}$  inch thick at any part and there shall be a space between any letter any numeral and between any letter or any and numeral and the edge of the plane surface of not less than  $\frac{1}{2}$  inch and a space between any two letters and any two numerals of not less than  $\frac{3}{8}$  inch, and

(ii) in the case of a motor cycle or invalid carriage, of dimensions not less than two-thirds of those specified in clause (i).

(d) The plane surface aforesaid shall not be inclined from the vertical by more than 30 degrees. The letters and numerals shall be exhibited as follows, that is to say—

(i) in the case of a transport vehicle other than a motor cab, both registration marks shall exhibit the letters and numerals in two separate horizontal lines, the letters above and the numerals below,

(ii) in all other cases the registration marks may exhibit the letters and numerals either in two horizontal lines as aforesaid or in one horizontal line.

(e) Notwithstanding anything contained in sub-rule (b), the registration mark exhibited at the front of a motor cycle or of an invalid carriage may be displayed on a plate in a line with the axis of the vehicle and shall in such case be displayed on both sides of the plate.

(f) The registration mark as aforesaid exhibited at the rear of a transport vehicle shall be affixed to the vehicle at as great a distance (but not exceeding ten feet) from the ground as may be reasonably possible having regard to the type of body of vehicle.

(g) If the letters and numerals are exhibited in any polished metallic surface they shall have plane and not rounded surfaces.

(h) Notwithstanding anything contained in the foregoing sub-rules, no action shall be taken for the contravention of any of them for a period of two months from the coming into force of these rules, during which period all owners of motor vehicles shall have their registration marks altered so as to conform to these rules.

57. *Registration marks of trailer.*—(a) The registration marks of a trailer shall be exhibited on a plane plate or surface on the left hand side of the trailer. The letters, figures, space and margin shall be not less than two-thirds of the dimensions prescribed in sub-rule (c) of rule 56.

(b) *Registration mark of trailer—exhibition of.*—The registration mark of the drawing motor vehicle required by the Act to be affixed to the rear of a trailer shall be in conformity with all the provisions of these rules in relation to the registration mark affixed to the rear of a motor vehicle.

*Notes.*

Sub section (3) of section 24 of the Act requires the Registering Authority to assign to the vehicle a for display thereon in the prescribed manner, a registration mark. Rules 56 and 57 prescribe the manner of such display.

58. *Transport vehicle-particulars to be painted on.*—(a) Save in the cases of motor cabs or trailers of the nature specified in clause (i) of sub-section (3) of section 42 of the Act, the following particulars in respect of every transport vehicle shall be exhibited on the left hand side of the vehicle in the manner described, that is to say,—

- (i) the name of the owner as set forth in the registration certificate and his address in brief,
- (ii) the unladen weight denoted by U. W. .... lbs.,
- (iii) the registered laden weight denoted by R. L. W. .... lbs.,
- (iv) in the case of passenger transport vehicles the number of passengers (excluding the driver and conductor) specified in the permit of the vehicle denoted by pass .....,
- (v) the registered front axle weight, denoted by F. A. W. .... lbs.,
- (vi) the registered rear axle weight denoted by R. A. W. .... lbs.,
- (vii) the registered axle weight, each intermediate axle, if any, denoted by M. A. W. .... lbs.,
- (viii) the number and size of tyres.—
  - (1) front axle denoted by ..... Nos. .... x. .
  - (2) rear axle denoted by ..... Nos. .... x. .
  - (3) intermediate axle denoted by .. Nos. .... x. .

“(aa) The name of the District and Region in which the vehicle is registered shall be painted on the right hand side on every transport vehicles, and the registration mark shall also be painted on the same side of every transport vehicle. All these shall be in the English letters and numerals and shall satisfy in respect of dimensions, spacing and other respects, the conditions given in sub-rule (c) of Rule 56.

The painting of the name and registration mark shall be in addition to the exhibition of the registration mark in the front and the rear, as required by sub-rule (b) of Rule 56.”

(b) *Size of letters and numerals.*—The weights shall be stated in pounds and the particulars shall be set forth in English or Hindi letters and numerals, each not less than one inch high and one inch wide, legibly painted on a plane surface or a plate or plates affixed to the vehicle.

(c) *Vehicles of Government exempted.*—Vehicles registered under section 39 of the Act need not exhibit the particulars specified in clauses (i), (iv) and (viii) of sub-rule (a).

59. *Temporary Registration Application.*—(a) An Application for temporary registration shall be in Form E and clearly marked

"Temporary". It shall not be necessary to fill in items 14 to 20 of that Form, notwithstanding that the vehicle may be a transport vehicle.

(b) *Form*.—A temporary certificate of registration shall be in Form CR Tem.

(c) *Intimation to registering authority concerned*.—The authority granting a temporary certificate of registration shall in all cases forward a copy of Form CR Tem. to the registering authority in whose area the vehicle is to be ordinarily kept, and, in the case of a temporary certificate issued by an authority authorised under rule 71 (f), to the registering authority of the area in which the temporary certificate was issued.

(d) *Assignment mark*.—The authority granting a temporary certificate of registration shall assign a temporary registration mark to the vehicle and the owner shall cause the said mark to be affixed to the front and rear of the motor vehicle in the manner prescribed for registration marks in these rules.

60. *Registration fee* (see Eighth Schedule).

61. *Registration fee exemption*.—(a) The Government may, by notification in the Rajasthan Gazette, make an exemption in regard to the registration fee payable in respect of any motor vehicle or class of motor vehicles

(b) *Free Registration*.—The following motor vehicles shall be registered free of charge :—

- (i) motor vehicles owned by the Rulers of Indian States and the members of their families;
- (ii) tractors and locomotives used solely for agricultural purposes; and
- (iii) such motor ambulances, used solely for the conveyance of the sick or injured, as may be notified by Government from time to time.

"Provided that the fee as prescribed in the Eighth Schedule shall be charged for the issue of a duplicate copy of the Registration Certificate."

62. *Fee for recording alteration*.—The fee for recording an alteration to a motor vehicle under section 32 of the Act shall be (see Eighth Schedule).

#### Notes

Section 32 of the Act requires that alterations in any motor vehicle, so as to alter particulars contained in the Certificate of Registration should be with the approval of the Registration Authority. Sub-Section (4) of section 32 requires the payment of prescribed fee for recording such alteration in the Certificate of Registration. This rule prescribes the requisite fees.

63. *Transfer of ownership intimation*.—(a) Intimation of transfer of ownership of a motor vehicle under sub-section (1) of section 31 of the Act shall be made in Form TC.

(b) *Communication to original authority*.—Communication of transfer to the original registering authority under sub-section (2) of section 31 of the Act shall be in Form CRTI.

*Notes*

Section 31 of the Act provides that,—(1) Where the ownership of any motor vehicle registered under this Chapter is transferred,—

(a) the transferor shall, within fourteen days of the transfer, report the transfer to the registering authority within whose jurisdiction the transfer is effected and shall simultaneously send a copy of the said report to the transferee;

(b) The transferee shall, within thirty days of the transfer, report the transfer to the registering authority within whose jurisdiction he resides, and shall forward the certificate of registration to that registering authority together with the prescribed fee and a copy of the report received by him from the transferor in order that particulars of the transfer of ownership may be entered in the certificate of registration.

(2) A registering authority other than the original registering authority making any such entry shall communicate the transfer of ownership to the original registering authority.

64. *Registration Mark—Assignment of new.*—(a) Application for a new registration mark under section 29 of the Act shall be made in Form RMA.

(b) *Intimation to parties.*—The registering authority assigning a new registration mark to a motor vehicle shall intimate the fact to the owner and the other party, if any, to an agreement of hire-purchase specified in the note on the certificate of registration and shall apply to the original registering authority for transfer of records of the vehicle in Form RMI.

65. *Intimation in respect of vehicle not registered within the State.*—(a) When any motor vehicle which is not registered in Rajasthan has been kept within Rajasthan for a continuous period of thirty days, the owner or other person in charge of the vehicle shall send intimation to the registering authority of the area in which the motor vehicle is at the time of making the report and shall intimate—

(i) his name and permanent address, and his address for the time being,

(ii) the registration mark of the vehicle,

(iii) the make and description of the vehicle, and

(iv) in the case of a transport vehicle, the name of the authority within Rajasthan by whom the permit has been issued or countersigned:

Provided that in the case of a transport vehicle covered by a permit having validity in Rajasthan, it shall only be necessary to make a report under this sub-rule upon the first occasion when the report is due.

(b) *Exemption of vehicle with trade certificate.*—Nothing in rule (a) shall apply to a motor vehicle which is exempted from registration under the provision of rule 69 (a).

66. *Registration certificate—loss or destruction of intimation—*

(a) If at any time a certificate of registration is lost or destroyed, the owner shall forthwith intimate the fact in writing to the registering

authority by whom the certificate was issued or by whom the registration mark of the vehicle was assigned under section 29 of the Act, and shall apply in Form CRLD to the said authority for the issue of a duplicate certificate.

(b) *Issue of duplicate.*—Upon receipt of an application in Form CRLD together with the prescribed fee, the registering authority shall issue a duplicate Certificate of registration in Form G clearly stamped "Duplicate" in red ink.

67. *Certificate of Registration—authority to suspend.*—Any Police Officer not below the rank of Deputy Superintendent of Police and any Transport Officer not below the rank of Transport Inspector may suspend the certificate of registration of a motor vehicle under section 33 of the Act.

68. *Hire-purchase agreement Procedure regarding endorsement on registration certificate.*—(a) When in an application for the registration of a motor vehicle the parties to an agreement of hire-purchase declare, in the form of the note endorsed on Form E, that the vehicle is the subject of such agreement, the registering authority shall complete and affix his signature to the note appended to Form G but shall not be required to satisfy himself as to the title of the two parties in the vehicle nor shall the note endorsed on Form G in any way affect the title of any party. When the parties to an agreement of hirepurchase apply in Form HPN, with the prescribed fee to the registering authority for making a note of the hire-purchase agreement in the registration certificate of a vehicle which has already been registered, the registering authority shall make a note of such agreement in the registration certificate, but shall not be required to satisfy himself as to the title of the two parties in the vehicle nor shall the note in the certificate in any way affect the title of any party.

(b) *Cancellation of endorsement.*—If, upon termination of an agreement of hire-purchase or otherwise, the registered owner and the other party desire that the note on the said Form G relating to such an agreement shall be cancelled, they shall apply in the Form HP Ter. to the registering authority by whom the vehicle was registered or by whom a new registration mark has been assigned to the vehicle under section 29 of the Act and the registering authority shall thereupon cancel the note endorsed on Form G.

(c) *Change of address of registered owner—record on certificate.*—Nothing contained in these rules shall prevent a registering authority from recording a change of the address of the registered owner on the certificate of registration as provided in section 30 of the Act nor shall the registering authority be required to inform the other party to an agreement of hire-purchase of any intimation of change of address, but the registering authority shall not record any transfer of ownership of a motor vehicle under section 31 of the Act so long

as the certificate of registration contains the note of an agreement of hire purchase unless the other party to that agreement signifies his consent to such transfer by endorsement upon Form TO.

(d) *Cancellation of and issue of duplicate for default of owner.*—If the party, other than the owner, to an agreement of hire purchase satisfies the registering authority that he has taken possession of the vehicle owing to the default of the owner under the provisions of the agreement and that the owner has absconded or refused to deliver the certificate of registration, the registering authority may, after giving the owner an opportunity of being heard and notwithstanding that the certificate of registration is not produced before it, cancel the certificate of registration and issue a duplicate certificate of registration and deliver the same to the other party. If notice is sent to the owner by registered letter to the address stated in the certificate of registration the owner shall be deemed to have been given an opportunity of being heard within the meaning of this rule.

(e) If a note in respect of an agreement of hire-purchase is to be endorsed on a certificate of registration there shall be payable in addition to the registration fee a further fee of (see Eighth Schedule). No fee shall be payable in respect of the cancellation of the note under sub-rule (b). There shall be payable in addition to the ordinary fee for recording transfer of ownership a further fee of (see Eighth Schedule) when the transfer of ownership is of a vehicle which is the subject of a hire-purchase agreement.

69. *Exemption of vehicles in the possession of Manufacturers or dealers.*—(a) Section 22 of the Act shall not apply to a motor vehicle *bona fide* in the possession of a dealer in the course of his business as such so long as it is used under the authorisation of a trade certificate, granted by the registering authority within whose area the dealer has his place of business.

(b) *Period of validity.*—A trade certificate shall be in force for a period of not more than twelve months from the date of issue. It may be renewed on payment of the appropriate fee.

(c) *Application form.*—An application for a trade certificate shall be made in Form TCA.

(d) *Grant of trade certificate.*—On receipt of an application for one or more trade certificates and on payment of the fee specified in rule 60, in respect of each certificate, the registering authority shall, if satisfied that the applicant is a *bona fide* dealer and requires the number of certificates specified in the application, assign to him in respect of each certificate a trade number, being a general number followed by a letter of the alphabet, and grant to him in Form TC the number of trade certificates required by him.

(e) *Exhibition.*—A trade certificate shall be carried on a vehicle in a holder in accordance with the specifications set out in

the Schedule appended to Form TC and shall be attached to the number plate in front of the vehicle in the manner specified hereunder.

Certificate.

(Number plate)

(f) *Proper use of trade number.*—A trade number shall not be used upon more than one vehicle at a time, or upon any vehicle other than a vehicle *bona fide* in the possession of the dealer in the course of his business as such.

(g) *Trade certificate or trade number to be used by holder or his driver.*—A trade certificate shall be used only by the person to whom it is granted and such person shall not allow or suffer the certificate or the number assigned in connection therewith to be used by any other person but this rule shall not be deemed to have been contravened if the person to whom the certificate is granted or a person *bona fide* in his employ and acting under his authority is present and in charge of the vehicle or if such vehicle is constructed for use by one person only and is being used by a prospective purchaser for the purpose of reasonable test and trial.

(h) *Purpose for which motor vehicle with trade certificate may be used.*—The holder of a trade certificate shall not use any vehicle in a public place under that certificate for any purpose other than the following :—

(i) for test during the course of, or after completion of construction or repairs; or

(ii) for proceeding to or returning from a weighbridge for or after weighing, or to and from any place for its registration; or

(iii) for reasonable trial by or for the benefit of a prospective purchaser and for proceeding to or returning from the place where such person intends to keep it; or

(iv) for proceeding for the purpose of delivery to or from the premises of the dealer and from such premises to the premises of purchaser or of another dealer; or

(v) for proceeding to or returning from a workshop with the object of fitting a body to the vehicle or of painting or for repairs; or

(vi) for proceeding to or from a railway station for or after being transported; or

(vii) for proceeding to or returning from an exhibition of motor vehicles or any place at which the vehicle is to be or has been offered for sale.

(i) *Register of trade certificate.*—Every holder of a trade certificate shall keep a register in Form TCR and enter, or cause to be entered, in such register full and true particulars of the driver incharge of a motor vehicle using the trade certificate when the vehicle leaves his premises, and of the period during which it was in his charge.

(j) *Form of register—inspection.*—The register in Form TCR shall be in a bound book, the pages of which shall be numbered serially. The necessary particulars except in regard to the time of return shall be entered in it before the commencement of each trip by the holder of the certificate or his representative. The register shall be open to inspection on demand by any officer of the police or Transport Department not below the rank of Sub-Inspector.

(k) *Duplicate to be carried by driver.*—A duplicate copy of the entry made in the register in Form TCR prior to the commencement of the trip shall be carried by the driver of the vehicle and shall at the end of the trip be retained for inspection by such police officer as may inspect the register.

(l) *Suspension or cancellation of trade certificate.*—If the registering authority has at any time reason to believe that the holder of any trade certificate has not complied with the provisions of any of those contained in sub-rules (c) to (j), such authority may, after giving the holder an opportunity of making any representation which he may wish to make, suspend or cancel all the trade certificates held by him or any one or more of them.

#### 70. *Fee.*

71. *Certificate of fitness-issue and renewal of.*—(a) A certificate of fitness under section 38 of the Act shall be granted or renewed by the registering authority or by an Inspector of Motor Vehicles.

(b) *Forms of application for grant of renewal.*—Application for the grant or renewal of a certificate of fitness shall be made to the registering authority, or to the Inspector of Motor Vehicles, if such Inspector has been appointed, in whose functional area the vehicle is kept. Application for the grant of a certificate shall be in Form CFA and for the renewal of a certificate in Form CFRA.

(c) *Date of next inspection—endorsement on certificate.*—The authority by whom a certificate of fitness was issued, or if it has been renewed, the authority by whom it was last renewed, may endorse thereon the date, time and place appointed for the next inspection of the vehicle and the owner shall cause the vehicle to be produced accordingly:

Provided that the vehicle need not be so produced if the owner proposes not to renew the certificate or if the vehicle is transferred to and kept in the area of another registering authority or Inspector of Motor Vehicles, in either of which cases the owner shall before the date fixed for inspection inform the authority who made the endorsement in writing that he does not propose to produce the vehicle, giving the reason.

(d) *Production of vehicle for inspection.*—If the owner of a vehicle is not required to produce the vehicle under sub-rule (c), he shall not less than one month before the date of expiry of the certifi-

cate apply for its renewal and shall cause the vehicle to be produced for inspection on such date and at such time and place as the appropriate authority may thereafter upon reasonable notice appoint.

(a) *One certificate for one vehicle.*—There shall not be more than one certificate of fitness in respect of any vehicle.

(f) If owing to mechanical breakdown or other cause a motor vehicle is, after the expiry of the certificate of fitness, outside the functional area of the authority by whom the certificate is to be renewed, any registering authority or Inspector of Motor Vehicle may, without prejudice to any penalty to which the owner or driver may have become liable, if the vehicle is in his opinion fit for use, by endorsement in Form CF Sub and subject to such conditions as he may specify, authorise its continued use for such time as may reasonably be necessary for the vehicle to return to the area of the authority by whom the certificate should be renewed, and the vehicle may be driven to such area in accordance with such endorsement but shall not be used after return to that area until the certificate has been renewed.

(g) *Unsafe vehicle—Restriction on use.*—If a vehicle is damaged at any time so as to be unfit for ordinary use and may in the opinion of any Inspector of Motor Vehicles safely be driven at a reduced speed to a place of repair, and if the Inspector is satisfied that it is necessary that the vehicle should be so driven, any Inspector of Motor Vehicles may by endorsement in Form CFX specify the time within which and the condition subject to which, the vehicle may be driven to a specified destination for the purpose of repair and the limit of speed beyond which it shall not be driven.

(h) *fee.*—The fee for a certificate of fitness shall be (see Eighth Schedule) and for the renewal of certificate of fitness (see Eighth Schedule) and shall in both cases, include the fee for inspection.

(i) *Certificate of fitness—Cancellation or suspension.*—Any registering authority and any Inspector of Motor Vehicles may cancel the certificate of fitness of a transport vehicle under sub-section (3) of section 38 of the Act or may suspend the certificate for a period not exceeding two months if in his opinion the vehicle does not comply with the provisions of the Act or the rules made thereunder.

(j) *Reasons for suspension or cancellation to be given.*—The authority cancelling or suspending a certificate of fitness under sub-rule (i) shall without delay give the owner or other person in charge of the motor vehicle a receipt therefor and a statement in writing of the reasons for such cancellation or suspension, and unless the period of suspension is less than fourteen days shall make a report of his action and forward the certificate to the authority by which it was last issued or renewed.

72. *Refusal to grant or renew—reason to be given.*—If the grant or renewal of a certificate of fitness is refused, the reasons for the refusal shall be communicated to the owner in Form OFR11.

73. (a) *Certificate of fitness—loss or destruction of.*—If a certificate of fitness is lost or destroyed the owner of the vehicle shall forthwith report the matter to the authority by whom the certificate was issued or last renewed and shall apply, with a fee of two rupees, for the issue of a duplicate certificate.

(b) *Duplicate issue of.*—Upon receipt of an application and the fee referred to in sub-rule (a) the authority shall furnish the owner with a duplicate copy of the certificate duly stamped "Duplicate" in red ink.

(c) *Non-production when lost—no offence.*—No person shall be liable to be convicted of an offence under section 86 of the Act for not producing the certificate of fitness, if at the time when the certificate is demanded, he has already reported the loss or destruction thereof in accordance with sub-rule (a) and a duplicate certificate has been delivered to him.

#### Notes

The Rules 71, 72 and 73 are meant to meet the requirements of section 38 of the Act which reads as under:—

(1) Subject to the provisions of section 39, a transport vehicle shall not be deemed to be validly registered for the purposes of section 22, unless it carries a certificate of fitness in Form F1 as set forth in First Schedule, issued by the prescribed authority, to the effect that the vehicle complies for the time being with all requirements of Chapter V and the rules made thereunder. Where the prescribed authority refuses to issue such certificate, it shall supply the owner of the vehicle with its reasons in writing for such refusal.

(2) Subject to the provisions of sub-section (3), a certificate of fitness shall remain effective for such period, not being in any case more than two years or less than six months, as may be specified in the certificate by the prescribed authority under sub-section (1) :

(3) The issuing authority or other prescribed authority may for reasons to be recorded in writing cancel a certificate of fitness at any time, if satisfied that the vehicle to which it relates no longer complies with all the requirements of this Act and the rules made thereunder ; and on such cancellation the certificate of registration of the vehicle and any permit granted in respect of the vehicle under Chapter IV shall be deemed to be suspended until a new certificate of fitness has been obtained.

(4) A certificate of fitness issued under this Act shall, while it remains effective, be valid throughout India, and a State Government may, by notification in the official Gazette, declare that subject to such conditions as may be specified in the notification, certificates of fitness issued by a competent authority in the State of Jammu and Kashmir shall, while they remain effective, be valid in the State as if they were issued under this Act. 1

74. (a) *Appellate Authority.*—The authority empowered to hear appeals against the orders of the registering authority shall be the Regional Transport Authority.

(b) *Appeal in respect of certificate of fitness.*—Any person aggrieved by any order made by an Inspector of Motor Vehicles in respect of a certificate of fitness may, within seven days of the date on which he has received notice of such order, appeal against the order to the Regional Transport Authority.

75. *Appeals—conduct and hearing of.*—(a) An appeal under rule 74 shall be in the Form of a memorandum, setting forth concisely the grounds of objection to the order which is the subject of appeal and shall be accompanied by the original or a certified copy of such order and a duplicate copy of the memorandum of appeal. A court fee of Rs. 2/- shall be paid in respect of each appeal, such payment being made by means of court fee stamps;

(b) Any person preferring an appeal under provisions of the Act and of this rule shall be entitled to obtain a copy of any document filed with the registering authority in connection with any order against which he preferring an appeal on the payment of fee of one rupee in respect of each document.

## CHAPTER IV

### Control of Transport Vehicles and Constitution of State and Regional Transport Authority.

#### *Notes*

The rules in the Chapter have been framed for putting into effect the requirements of Chapter IV of the Act. The power to frame these rules is contained in section 68 of the Act. Sub-Section (2) of section 68 requires the State Government to make rules for—

(2) Without prejudice to the generality of the foregoing power, rules under this section may be made with respect to all or any of the following matters, namely—

(a) the period of appointment and the terms of appointment of and the conduct of business by Regional and State Transport Authorities and the reports to be furnished by them;

(b) the conduct and bearing of appeals that may be preferred under this Chapter, the fees to be paid in respect of such appeals and the refund of such fees;

(c) the forms to be used for the purposes of this Chapter, including the forms of permits;

(d) the issue of copies of permits in place of permits [lost, destroyed or mutilated];

(e) the documents, plates and marks to be carried by transport vehicles, the manner in which they are to be carried and the languages in which any such documents are to be expressed;

(f) [Omitted by Act 100 of 1956].

[(g) the fees to be paid in respect of applications for permits, duplicate permits and plates ;

(gg) the exemption of prescribed persons or prescribed classes of persons from payment of all or any portion of the fees payable under this Chapter;

(h) the custody, production and cancellation on revocation or expiration of permits, and the return of permits which have become void or have been revoked;

(hh) the conditions subject to which, and the extent to which, a permit granted in another State shall be valid in the State without counter-signature-

(i) the conditions subject to which, and the extent to which, a permit granted in one region shall be valid in another region within the State without countersignature;

(ii) the conditions to be attached to permits for the purpose of giving effect to any agreement such as is referred to in clause (iv) of sub-section (1) of section 43];

(j) the authorities to whom, the time within which and the manner in which appeals may be made;

(k) the construction and fittings of, and the equipment to be carried by, stage and contract carriages, whether generally or in specified areas;

(l) the determination of the number of passengers a stage or contract carriage is adapted to carry and the number which may be carried;

(m) the conditions subject to which goods may be carried on stage and contract carriages partly or wholly in lieu of passengers;

(n) the safe custody and disposal of property left in a stage or contract carriage;

(o) [regulating the painting or marking of transport vehicles and the display of advertising matter thereon, and in particulars prohibiting the painting or marking of transport vehicles in such colour or manner as to induce any person to believe that the vehicle is used for the transport of mails;

(p) the conveyance in stage or contract carriages of corpses or persons suffering from any infectious or contagious disease or goods likely to cause discomfort or injury to passengers and the inspection and disinfection of such carriages, if used for such purposes;

(q) the provision of taxi meters on motor cabs requiring approval or standard types of taxi meters to be used and examining, testing and sealing taxi meters;

(r) prohibiting the picking up or setting down of passengers by stage or contract carriages at specified places or in specified areas or at places other than duly notified stands or halting places and requiring the driver of a stage carriage to stop and remain stationary for a reasonable time when so required by a passenger desiring to board or alight from the vehicle at a notified halting place;

[(s) the requirements which shall be complied with in the construction or use of any duly notified stand or halting place, including the provision of adequate equipment and facilities for the convenience of all users thereof, the fees, if any, which may be charged for the use of such facilities, the records which shall be maintained at such stands or places, the staff to be employed thereat, and the duties and conduct of such staff, and generally for maintaining such stands and places in a serviceable and clean condition;

(ss) the regulation of motor-cab ranks;

(t) requiring the owners of transport vehicles to notify any change of address or to report the failure of or damage to any vehicle used for the conveyance of passengers for hire or reward;

[(tt) authorising specified persons to enter at all reasonable times and inspect all premises used by permit holders for the purposes of their business];

(u) requiring the person in charge of a stage carriage to carry any person tendering the legal or customary fare;

(v) the conditions under which and the types of containers or vehicles in which animals or birds may be carried and the seasons during which animals or birds may or may not be carried.

(w) the licensing of and the regulation of the conduct of agents or canvassers who engage in the sale of tickets for travel by public service vehicles or otherwise solicit custom for such vehicles;

[(ww) the licensing of agents engaged in the business of collecting, forwarding and distributing of goods carried by public carriers];

(x) the inspection of transport vehicles and their contents and of the permits relating to them;

(y) the carriage of persons other than the driver in goods vehicles;

[(yy) the specification of the municipal limits of a town or of any other area as a free zone within which goods may, subject to the prescribed conditions, be carried anywhere by a motor vehicle covered by a public carrier's permit];

(z) the records to be maintained and the returns to be furnished by the owners of transport vehicles; and

(za) any other matter which is to be or may be, prescribed.

**76. State Transport Authority.**—(a) The State Transport Authority for Rajasthan shall consist of—

- (i) The Minister for Transport who shall be the Chairman.
- (ii) Home Secretary to the Government.
- (iii) the Inspector-General of Police;
- (iv) the Chief Engineer (Roads and Buildings);
- (v) a representative of the Railways in Rajasthan, to be selected by the Government in consultation with the Railway Board;
- (vi) one member from each region not being a servant of the Government or any local authority, nominated by the Government.
- (vii) one member representing the trade and commerce in Rajasthan.
- (viii) The Transport Commissioner, who shall also be the Secretary and Executive Officer of the authority.

(b) The number of members whose presence shall constitute a quorum shall be four.

(c) The Chairman if unable to attend a meeting shall nominate a member to act as Chairman at the meeting.

(d) The Chairman or the acting Chairman nominated under sub-rule (c) shall have a second or casting vote.

(e) The State Transport Authority shall meet at such times and at the such places as the Chairman may appoint;

Provided that the authority shall meet not less than once in each of the periods of three months of January to March, April to June, and July to September and October to December.

(f) Not less than 15 days' notice shall be given of any meeting of the State Transport Authority.

(g) A nominated non-official member of the State Transport Authority shall hold office for a period of three years and thereafter until a successor is nominated:

Provided that—

- (i) the Government may at any time reduce the period of office of any such member to the period during which he has till then actually held the office of such member, and
- (ii) when any such member dies or otherwise vacates office or when his period of office is so reduced, his successor shall hold office for the remainder of the period for which the member whose place such successor takes would have held such office.

(h) A nominated non-official member of the State Transport Authority shall be entitled to receive for his attending a meeting of

the Authority travelling and halting allowance at the scale and on the conditions admissible to I Class Officers and any such member performing any journey, other than to attend a meeting of the Authority, in connection with the business of the Authority shall with the sanction of the Chairman be entitled to receive travelling and halting allowance likewise.

77. *Regions and Regional Transport Authorities.*—(a) The Regions for the purposes of section 44 of the Act shall be five in number and shall comprise the areas as set forth in the Second Schedule to these rules.

(b) The Regional Transport Authorities for the said regions shall be constituted as follows:—

*I. Regional Transport Authority, Jaipur.*—

1. The Commissioner, Ajmer Division, Chairman;
2. The Dy. Inspector General of Police, Ajmer Range;
3. The Superintending Engineer, Buildings & Roads, Jaipur, District Circle, Jaipur;
4. Three members not being the servants of the Government or any local authority nominated by the Government, and

*Note:*—Item No. 4 previous to the one stood as under vide amending Notification No. D. 14628/F. 16 (4) (10) H.B./56 dated 16-12-57 published in Rajasthan Rajpatra, part IV (c)—dated 16-1-58 :—

4. One or two members not being the servants of the Government or of any local authority, nominated by Government, and "
4. The Regional Transport Officer/Assistant Regional Transport Officer, how shall also be the Secretary and Executive Officer of the Authority.

*II. Regional Transport Authority, Jodhpur Region.*—

1. The Commissioner, Jodhpur Division, Chairman;
2. The Dy. Inspector General of Police, Jodhpur Range;
3. The Superintending Engineer, Buildings & Roads, Jodhpur Zone;
4. One or two members, not being the servants of the Government or of any local authority, nominated by Government, and
5. The Regional Transport Officer/Assistant Regional Transport Officer who shall also be the Secretary and Executive Officer of the Authority.

*III. Regional Transport Authority, Udaipur Region.*—

1. The Commissioner, Udaipur Division, Chairman;
2. The Dy. Inspector General of Police, Udaipur Range;
3. The Superintending Engineer, Buildings & Roads, Udaipur Zone;
4. One or two members, not being the servants of the Government or of any local authority, nominated by Government, and

5. The Regional Transport Officer/Assistant Regional Transport Officer who shall also be the Secretary and Executive Officer of the Authority.

*IV. Regional Transport Authority, Bikaner.—*

1. The Commissioner, Bikaner Division, Chairman;
2. The Dy. Inspector General of Police, Bikaner Range;
3. The Executive Engineer, Buildings & Roads, Bikaner Zone;
4. One or two members not being the servants of the Government or of any local authority, nominated by Government, and
5. Assistant Regional Transport Officer who shall also be the Secretary and Executive Officer of the Authority.

*V. Regional Transport Authority, Kotah.—*

1. The Commissioner, Kotah Division, Chairman;
2. Superintendent of Police, Kotah;
3. The Executive Engineer, Building & Roads, Kotah;
4. One or two members not being the servants of the Government or of any local authority, nominated by Government, and
5. Assistant Regional Transport Officer who shall be the Secretary and Executive Officer of the Authority.

(c) The number of members whose presence shall constitute a quorum, shall be four.

(d) The Chairman, if unable to attend a meeting, shall nominate a member to act as Chairman at the meeting.

(e) The Chairman or the acting Chairman nominated under sub-rule (d) shall have a second or casting vote.

(f) Each Regional Transport Authority shall meet at such times and at such places as the Chairman may appoint:

Provided that the authority shall meet not less than once in each month unless the State Transport Authority directs otherwise.

(g) A nominated non-official member of a Regional Transport Authority shall hold office for a period of three years and thereafter until a successor is nominated:

Provided that—

- (i) the Government may at any time reduce the period of office of any such member to the period during which he has till then actually held the office of such member, and
- (ii) when any such member dies or otherwise vacates office or when his period of office is so reduced, his successor shall hold office for the remainder of the period for which the member whose place such successor takes would have held such office.

(h) A nominated non-official member of a Regional Transport Authority shall be entitled to receive for his attending a meeting of the Regional Transport Authority to which he is appointed travelling and halting allowance at the scale and on the conditions admissible to II Class Officers and any such member performing any journey, other than to attend a meeting of the authority, in connection with the business of the authority, shall with the sanction of the Chairman be entitled to receive travelling and halting allowance likewise.

78. *Transport Authorities-conduct of business of.*—(a) Subject to the provisions of the Act and these rules and to the approval of the Government, the State transport authority or a Regional transport authority shall have power to make bylaws to regulate the conduct of its business and shall likewise have power to amend such bylaws and the business of such authority shall be conducted accordingly under the direction of the Chairman.

(b) The Secretary shall lay before a Regional or the State Transport Authority, as the case may be, the agenda to be considered at any meeting.

(c) Save in the case of the hearing of an objection to the grant of a stage carriage permit or of a public carrier's permit and in the case of the hearing of a representation under sub-section (6) of section 57 of the Act, the State or a Regional Transport Authority, as the case may be, may decide any matter without holding a meeting by the majority of the votes of members recorded in writing and send to the Secretary.

(d) In the event of circulation, the Secretary shall send to each Member of the Authority such particulars of the matter as may be reasonably necessary in order to enable the member to arrive at a decision and shall specify the date by which the votes of members are to be received in the office of the Authority. Upon receipt of the votes of members as aforesaid, the Secretary shall lay the papers before the Chairman who shall record the decision by endorsement on the form of application or other document, as the case may be, according to the votes received and the vote or votes cast by the Chairman. The record of the votes cast shall be kept by the Secretary and shall not be available for inspection by any person save by a member of the Authority at a regularly constituted meeting of the Authority. No decision shall be made by circulation if, before the date by which the votes of members are required to reach the office of the Authority, not less than one-third of the members of the Authority by notice in writing to the Secretary demand that the matter be referred to a meeting of the Authority.

(e) The number of votes, excluding the Chairman's second or casting vote, necessary for a decision to be taken by circulation shall not be less than the number necessary to constitute a quorum.

(f) The State Transport Authority or a Regional Transport Authority, as the case may be, may summon any applicant for a

permit to appear before it and may decline to grant the permit until the applicant has furnished such information as may reasonably be required by the Authority in connection with the application.

(g) Nothing contained in this rule shall prevent the State Transport Authority or a Regional Transport Authority from deciding by circulation any matter which has been considered at a meeting or has been the subject of a hearing and upon which a decision has been reserved.

(h) When a matter is decided by the votes of members present at a meeting of the State Transport Authority or a Regional Transport Authority, no person other than a member of the Authority shall be entitled to be present and no record of the voting shall be kept save of the number of the votes cast on either side; provided that when any matter is decided by the exercise of the second or casting vote of the Chairman the fact shall be recorded.

(i) The State Transport Authority or a Regional Transport Authority may, by general or special resolution recorded in its proceedings, and subject to such conditions as may be specified in the resolution, delegate—

(i) to the Secretary, power to grant contract carriage or private carrier's permits: provided that the power so delegated shall not extend to the refusal to grant any permit, or to the grant of permit for a contract carriage when any representation may have been made by any person under the provisions of section 50 of the Act unless the Secretary has by a resolution of the Authority been authorised to refuse a permit or to grant such permit in any particulars case, and

(ii) to a registering authority within its region all or any of its powers under section 62 of the Act regarding the grant of temporary permits.

#### Notes.

Rules 76, 77 and 78 are in pursuance of Section 44 of the Act. Sub-section (1) of section 44 of the Act provides for constitution of State Transport Authority and Regional Transport Authority. Sub-Sec. (2) of Section 44 provides that the State Transport Authority or a Regional Transport Authority shall consist of a Chairman who has had judicial experience and such other officials and non-officials, as the State Government may think to appoint;

79. *Application for contract carriage and private carrier's permits—disposal of.*—(a) Upon receipt of an application for a contract carriage permit or for a private carrier's permit, the Secretary of the State Transport Authority or a Regional Transport Authority, as the case may be, shall, if the application is in order, with all reasonably despatch, circulate particulars thereof to members of Authority together with an intimation whether the matter is to be decided at a meeting of the authority or by circulation. In the latter case he shall intimate the date by which the votes of members are required to be received.

(b) In deciding whether an application for a contract carriage permit or for a private carrier's permit is to be considered at a meeting of the Authority or by circulation, the Chairman of the State Transport Authority or a Regional Transport Authority, as the case may be, shall, without prejudice to the proper examination of the application and any enquiries necessary in connection therewith shall have regard to the desirability of avoiding delay in the issue of such permits and shall so arrange its business that such permits shall normally be granted or refused within one month of the receipt of the application.

#### Notes

Section 49, 50 and 51 deal with submission of, procedure of Regional Transport Authority in considering and grant of (respectively) application for Contract Carriage permit. Section 52 and 53 of the Act similarly deal with application for Private Carriage Permit.

80. *Refusal to accept applications for permits—powers of.*—When a Regional Transport Authority has in the exercise of its powers under the Act imposed a limit upon the number of permits of any class which may be granted for a specified route or a specified area & has already granted such number of permits of that class the Authority may decline to receive further applications for such permits in respect of any such route or area.

81. *Applications—publication of.*—(a) Further to the provisions of sub-section (3) of section 57 of the Act, upon receipt of an application for a stage carriage permit or a public carrier's permit the Secretary of a Regional Transport Authority shall post a copy of the application, together with the notice of the date before which representations may be submitted and of the date appointed for consideration, on a suitable notice board situated on the premises of the Authority.

(b) It shall be a sufficient compliance with the provisions of sub-section (3) of section 57 of the Act if the particulars specified in that sub-section are published in the Rajasthan Gazette, and posted on the notice board of the office of the Regional Transport Authority not less than seven days before the date appointed for the receipt of representations.

(c) If upon publication of particulars of an application in respect of a stage carriage permit or of a public carrier's permit as aforesaid no representation is received in connection therewith within the specified period, the application may, if the Chairman so directs, be submitted for the decision of the authority by circulation.

#### Notes

Sub-section (3) of section 57 provides that:—

On receipt of an application for a stage carriage permit or a public carrier's permit, the Regional Transport Authority shall make the application available for inspection at the office of the Authority and shall publish the application or the substance thereof in the prescribed manner together with a notice of the date before which representations in connection therewith may be submitted and the date, not being less than thirty days from such publication, on which, and the time and place at which, the application and any representations received will be considered.

[Provided that, if the grant of any permit in accordance with the application or with modifications would have the effect of increasing the number of vehicles operating in the region, or in any area or on any route within the region, under the class of permits to which the application relates, beyond the limit fixed in that behalf under sub-section (3) of section 47 sub-section (2) of section 55, as the case may be, the Regional Transport Authority may summarily refuse the application without following the procedure laid down in this sub-section.]

82. *Hearing of applications or objections.*—(a) When an application for any permit is considered at a meeting of the State Transport Authority or a Regional Transport Authority and the applicant desires to be heard in support of his application or has been summoned to appear under the provisions of sub-rule (f) of rule 78, the applicant may either appear and conduct his case in person or may be represented by any person authorised by him in writing in this behalf.

(b) Save in the case of a temporary permit any person who has made a representation in connection with an application for a State carriage permit or a public carrier's permit within the period specified in, and in accordance with, the provisions of section 57 of the Act and of these rules, may appear before the Authority upon the date appointed for consideration of the application either in person or be represented by any person authorised by him in writing in this behalf.

(c) Any person or authority who has made a representation under the provisions of section 50 of the Act may appear before the Transport Authority upon the date appointed for hearing representation either by person or by a representative authorised by him or by it, as the case may be, in writing in this behalf; provided that nothing in this sub rule shall be deemed to require the Transport Authority to give a hearing to any representation made under section 50 read with sub-section (6) of section 57 of the Act if the Authority is satisfied that the representation is frivolous or vexatious or relates to a matter upon which the authority has already recorded a decision after giving the parties concerned an opportunity of being heard.

#### Notes

Section 50 provides for Consideration of representation to the effect that the number of Contract Carriage for which permits have already been granted is sufficient for or in excess of the needs of the region or in area within the region. Sub-section (6) of section 57 requires the R.T.A. to take any such step as it considers appropriate for hearing of the application made under section 50 in presence of any persons likely to be affected.

83. *Application or permits—forms of.*—(a) Every application for a permit in respect of a transport vehicle shall be in one of the following forms, that is to say,—

(i) in respect of a particular stage carriage.....in Form P. St. P. A.;

(ii) in respect of a service of stage carriage .....in Form P. St. S. A.;

(iii) in respect of a particular contract carriage in Form P. Co. P. A.;

(iv) in respect of a casual contract carriages in Form P. Co S. A.;

(v) in respect of a Private carrier's permit in Form P. Pr. C.A. ;

(vi) in respect of a public carrer's permit in Form P. Pu. C. A.;

(vii) in respect of a temporary permit in Form P. Tem. A, and shall be addressed to the Secretary of the authority at the regular office of the authority.

(b) In granting permit a Regional Transport Authority shall have power to modify the terms of the application in a reasonable degree, and in such a case the application shall be deemed to be an application for the permit in the form granted.

(c) Notwithstanding anything contained in these rules a Regional Transport Authority may refuse to issue a permit or cancel a permit issued by itself, for the use of any public service vehicle if in its opinion the vehicle has been so constructed as to cause discomfort to passengers travelling therein.

84. *Permits—Forms of.*—(a) Every permit shall be in one of the following Forms, that is to say,—

(i) in respect of a particular stage carriage in Form P. St P.;

(ii) in respect of a service of stage carriages in Form P.St.S.;

(iii) in respect of a particular contract carrige in Form P.Co.P.

(iv) in respect of casual contract carriages in Form P.Co.S.;

(v) in respect of a private carrier in Form P.Pr.C.;

(vi) in respect of a public carrier in Form P.Pu.C.;

(vii) a temporary permit in Form P.Tem.

(b) Save in the case of a temporary permit every permit shall be in two Parts, A and B. One copy of part A only shall be issued. One copy of Part B shall be issued in respect of every vehicle authorised by the permit and where the permit relates to more than one vehicle each such copy shall carry, in addition to the number of the permit, a separate serial number contained in brackets after the number of the permit. Each such copy shall be sealed and signed by the authority by which the permit is issued and by the authority by which the permit is countersigned.

(c) The holder of a permit shall cause the relevant copy of Part B thereof or the temporary permit, as the case may be, to be carried in a glazed frame or other suitable container carried in or affixed to the interior of the vehicle in such a way as to maintain it in a clean and legible condition readily available for inspection at any time by any authorised person.

84.A. *Stage carriage permit.—Condition regarding model of vehicle.*—In pursuance of any general or specific direction issued by the State Transport Authority in this behalf, a condition may, at the time of the grant or renewal of a stage carriage permit, be attached to the effect that the carriage in respect of which such permit is granted or renewed shall not be of a model earlier than a specified year.

85. *Permit for stage carriages.—Special condition of.*—A Regional Transport Authority may attach to a stage carriage permit the condition that the carriage or service of carriages in respect of which the permit is granted, shall carry mails at such rates as the authority may, in consultation with the postal authorities, fix in that behalf from time to time.

86. *Permit—entry of registration mark on.*—(a) Save in the case of a temporary permit, if the registration mark of the vehicle is to be entered on the permit and the applicant is not at the date of application in possession of the vehicle duly registered, the applicant shall within one month of the sanction of the application by the Regional Transport Authority, or such longer period as the authority may specify, produce the certificate of registration of the vehicle before that authority in order that particulars of their registration mark may be entered in the permit.

(b) No permit shall be issued until the registration mark of the vehicle to which it relates has, if the form of permit so requires, been entered therein and in the event of any applicant failing to produce the certificate of registration within the prescribed period the Regional Transport Authority may revoke its sanction of the application.

87. *Permits—temporary.*—(a) A temporary permit may, if the State Transport Authority or a Regional Transport Authority thinks fit, be granted to any person whether he is the registered owner of the vehicle or vehicles to be used thereunder or not.

(b) When, at the time of application for a temporary permit, the applicant is not in possession of the vehicle or vehicles or has not entered into a contract to hire the vehicle or vehicle or otherwise satisfies the State Transport Authority or Regional Transport Authority that he is for good and sufficient reason unable to specify the registration mark or marks of the vehicles to be used under the permit applied for, the State Transport Authority or the Regional Transport Authority, as the case may be, if it is satisfied that undue inconvenience would otherwise be caused, issue a temporary permit in which the registration mark of the vehicle is not set out, and may, if it thinks fit, require as a condition of the permit that the applicant shall, within twenty-four hours, or such longer period as the authority may specify, of the commencement of the first journey under the authorisation of the temporary permit, furnish to the authority particulars of the registration mark.

(c) Nothing contained in a temporary permit shall be deemed to authorise the use of any vehicle which is not duly registered or in respect of which there is not in existence a valid certificate of fitness or which otherwise contravenes any of the provisions of the Act or the rules thereunder.

#### Notes

This rule has been framed to meet the requirements of section 62 of the Act which reads as under:—

A Regional Transport Authority may [\* \* \*] without following the procedure laid down in section 57, grant permits, to be effective for a limited period not in any case to exceed four months, to authorise the use of a transport vehicle temporarily—

(a) for the conveyance of passengers on special occasions such as to and from fairs and religious gatherings, or

(b) for the purposes of a seasonal business, or

(c) to meet a particular temporary need, or

(d) pending decision on an application for the renewal of a permit;

and may attach to any such permit any condition it thinks fit:

[Provided that a temporary permit under this section shall, in no case, be granted in respect of any route or area specified in an application for the grant of a new permit under section 46 or section 54 during the pendency of the application;

Provided further that a temporary permit under this section shall, in not case, be granted more than once in respect of any route or area specified in an application for the renewal of a permit during the pendency of such application for renewal]

88. *Permits—extension of area of validity of.*—(a) Subject to the provisions of section 63 of the Act, a Regional Transport Authority which issues a permit (hereinafter referred to as the original Transport Authority), other than a permit in Form PSTS., or a permit in Form P.Co.S., may extend the effect of the permit to any other region within Rajasthan and may attach conditions to the permit with effect to such other region and may vary the conditions of the permit in different regions, provided always that the vehicles to which the permit refers are normally kept within the region of the original Transport Authority any subject to the provisions of the following sub-rules.

(b) The original Transport Authority may issue a permit having validity in any other region in accordance with any general or special resolution recorded by any other Regional Authority, and any permit so issued shall be of like effect in the region of the other authority as if it were issued by that authority.

(c) Subject to the provisions sub-rule (b), an original Transport Authority may issue a contract carriage permit with effect in another region or regions if it attaches a condition to the permit to the effect that the vehicle or vehicles shall only be used beyond the region of the original Transport Authority under contract for a return journey commencing and ending within the region of the original Transport Authority and shall not be offered for hire outside that region.

(d) The original Transport Authority which issue a permit with effect in any other region shall send a copy of the permit to the authority of the other region.

(e) Nothing in this rule shall effect the right of the holder of any permit to apply to any Regional Authority for countersignature of a permit.

#### Notes

Sub-section (1) of section 63 provides that, a permit granted by

(1) Except as may be otherwise prescribed, a permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region, and a permit granted in any one State shall not be valid in any other State unless countersigned by the State Transport Authority of that other State or by the Regional Transport Authority concerned:

89. *Permit Fees.*—(a) The fees in respect of the grant and renewal of a permit other than a temporary permit, shall be—

(i) for the grant of a permit (see Eighth Schedule),

(ii) for the renewal of a permit (see Eighth Schedule).

(b) The fee for a temporary permit shall be—

(i) if valid for one region only (see Eighth Schedule) for the first two days and (see Eighth Schedule) for every seven days or part thereof thereafter, and

(ii) if valid for more than one region, (see Eighth Schedule) for the first seven days or lesser period and (see Eighth Schedule) for every seven days or part thereof after the first seven days.

(c) There shall be no fee for the countersignature of a permit, or for the replacement of a vehicle covered by a permit by another vehicle.

(d) All fees payable under this rule shall be paid at the time of presenting the application for the grant or renewal of a permit.

90. *Stage carriages regular daily service by; and limitation capacity of.*—Every stage carriage shall perform a regular daily service in the manner required by the Transport Authority and shall immediately notify that authority of any failure to do so, with the reasons therefor. Failure without good reason to render a regular service on any prescribed route shall render the permit liable to suspension or cancellation by the Transport Authority.

91. *Stage and contract carriages carriage of goods in.*—(a) No goods shall be carried on the top deck of a double decked stage carriage.

(b) No goods liable to foul the interior of the vehicle or to render it insanitary, shall be carried at any time in any stage carriage or contract carriage.

(c) The Regional Transport Authority may specify in any permit the goods which shall not be carried in a stage carriage or a contract carriage or the conditions subject to which certain classes of goods may be so carried.

(d) Subject to the provisions of the preceding sub-rules, goods may be carried in a stage carriage at any time in accordance with the conditions specified in the permit, provided that the obligation of the holder to carry the full number of passengers in accordance with the terms of the permit is discharged.

(e) If the holder of a stage carriage permit uses a vehicle authorised by the permit for the carriage of goods to the detriment of the public convenience by failing thereby to meet the demand for passenger transport, the Regional Transport Authority may, after giving the holder an opportunity of being heard, declare that a breach of the conditions of the permit has occurred and may thereafter proceed under the provisions of section 60 of the Act.

(f) The Regional Transport Authority shall not authorise the use of a contract carriage for the carriage of goods save for special reasons on particular occasions and subject to conditions and restrictions to the specified in the permit.

*Explanation.*—A contract carriage permit may authorise the use of the vehicle for the carriage of the personal or household effects of a hirer but not the carriage of general merchandise

(g) When goods are carried in a stage carriage in addition to passengers the goods shall be of such a nature and shall be so packed and secured on the vehicle that no danger, inconvenience or discomfort is caused to any passenger. Such number of seats as may be specified in the permit shall be kept free and unimpeded for the use of passengers and the access to the entrance to and exit from the vehicle required under Chapter V of these rules shall be unobstructed.

(h) The weight in pounds of goods carried on a stage carriage shall not exceed (N-X) X-150 where, in relation to a single-decked stage carriage or to the lower deck of a double-decked stage carriage:

N is the registered passenger seating capacity of the vehicle, and—

X is the number of passengers carried on the vehicle, or the number of passengers for whom seats are kept free and unimpeded by goods, whichever is greater.

92. *Carriage of luggage.*—Every public service vehicle shall be provided with adequate means for the conveyance of a reasonable amount of luggage, and with a sufficient number of chains, straps or other means of securing such luggage. No luggage shall be carried on the roof of the vehicle unless there has been affixed thereto a guard rail of a type approved by the registering authority and suitable water-proof covering is provided to protect the luggage in wet weather. The covering shall be securely fastened so as to prevent flapping.

93 (a) In every Stage Carriage, not more than one hundred and twenty lbs. of luggage and personal effects as passenger shall be carried. out of this one hundred and twenty lbs. the first forty lbs. shall be allowed free of charge and the rest may be charged for.

(b) The Regional Transport Authority shall have power to make regulations regulating the weight of luggage and goods which may be carried in any contract carriage generally or in any specified area.

*Notes*

Rules 90, 91, 92 and 93 deal with matters specified in sub-section (3) of section 48 of the Act which reads as under:—

(3) The Regional Transport Authority, if it decides to grant a stage carriage permit, may grant the permit for a service of stage carriages of a specified description or for one or more particular stage carriages, and may, subject to any rules that may be made under this Act, attach to the permit any one or more of the following conditions, namely:—

- (i) that the service or any specified part thereof shall be commenced with effect from a specified date;
  - (ii) the minimum and maximum number of daily services to be maintained in relation to any route or area generally or on specified days and occasions;
  - (iii) that copies of the time table of the service or of particular stage carriages approved by the Regional Transport Authority shall be exhibited on the vehicles and at specified stands and the halts on the route or within the area;
  - (iv) that the service shall be operated within such margins of deviation from the approved time table as the Regional Transport Authority may from time to time specify;
  - (v) that within municipal limits and such other areas and places as may be prescribed, passengers or goods shall not be taken up or set down except at specified points;
  - (vi) the maximum number of passengers and the maximum weight of luggage that may be carried on any specified vehicle or on any vehicle of a specified type either generally or on specified occasions or at specified times and seasons;
  - (vii) the weight and nature of passenger's luggage that shall be carried free of charge, the total weight of luggage that may be carried in relation to each passenger, and the arrangements that shall be made for the carriage of luggage without causing inconvenience to passengers;
  - (viii) the rate of charge that may be levied for passenger's luggage in excess of the free allowance;
  - (ix) that vehicles of specified types fitted with bodies conforming to approved specifications shall be used;
- Provided that the attachment of this condition to a permit shall not prevent the continued use, for a period of two years from the date of publication of the approved specification, of any vehicle operating on that day,
- (x) that specified standards of comfort and cleanliness shall be maintained in the vehicles;
  - (xi) the conditions subject to which goods may be carried in any stage carriage in addition to, or to the exclusion of passengers;
  - (xii) that fares shall be charged in accordance with the approved fare table;
  - (xiii) that a copy of, or extract from, the fare table approved by the Regional Transport Authority and particulars of any special fares or rates of fares so approved for particular occasions shall be exhibited on every stage carriage and at specified stands and halts;
  - (xiv) that tickets bearing specified particulars shall be issued to passengers and shall show the fares actually charged and that records of tickets issued shall be kept in a specified manner;
  - (xv) that mails shall be carried on any of the vehicles authorised by the permit subject to conditions (including conditions as to the time in which mails are to be carried and the charges which may be levied) as may be specified;
  - (xvi) the reserve of vehicles to be kept by the holder of the permit to maintain the service and to provide for special occasions;
  - (xvii) the conditions subject to which any vehicle covered by the permit may be used as a contract carriage;

- (xviii) that specified arrangements shall be made for the housing, maintenance and repair of vehicles;
- (xix) that any specified bus station or shelter maintained by Government or a local authority shall be used and that any specified rent or fee shall be paid for such use;
- (xx) that the conditions of the permit shall not be departed from save with the approval of the Regional Transport Authority;
- (xxi) that the Regional Transport Authority may, after giving notice of not less than one month,—
  - (a) vary conditions of the permit;
  - (b) attach to the permit further conditions;
- (xxii) that the holder of a permit shall furnish to the Regional Transport Authority such periodical returns, statistics and other information as the State Government may from time to time prescribe;
- (xxiii) any other conditions which may be prescribed;

94. Deleted.

95. *Permits—Cancellation of redundant.*—When a permit has been granted on the first application by one Regional Transport Authority in respect of a particular vehicle or in respect of a service of vehicles and it appears that a permit has also been granted by another Regional Transport Authority—

(a) in respect of the same vehicle, or

(b) in respect of a service of vehicles requiring the use of a greater number of vehicles than the holder of the permits possessed at the time of application,

the Regional Transport Authority by which one of the permits was issued may in consultation with the other authority forthwith cancel or modify the permit in such a manner as it may deem fit.

96. *Permits renewals of.*—(a) Application for the renewal of a permit shall be made, in writing to the Regional Transport Authority by which the permit was issued, not less than two months in the case of a stage carriage permit or a public-carrier's permit, and not less than one month in other cases, before the expiry of the permit, and shall be accompanied by Part A of the permit. The application shall state the period for which the renewal is desired and shall be accompanied by the fee prescribed in rule 89.

(b) The Regional Transport Authority renewing a permit shall call upon the holder to produce Part B or Parts A and B thereof, as the case may be, and shall endorse Parts A and B accordingly and shall return them to the holder.

97. *Permits—renewal and countersignature of.*—(a) Subject to the provisions of rule 98 applications for the renewal of a countersignature on a permit shall be made in writing to the Regional Transport Authority concerned and within the appropriate periods prescribed in rule 96 and shall be subject to the provisions of sub-rule (b) be accompanied by Part A of the permit. The application shall set forth the period for which the renewal of the countersignature is required.

(b) If at the time of application for renewal of a countersignature of a permit, Part A of the permit is not available being under renewal by the authority by which it was issued, the applicant shall state the fact and shall state the number and date of the permit, the name of the authority by which it was granted, the date of its expiry and the number and date of the countersignature to be renewed.

(c) The Regional Transport Authority granting the renewal of a countersignature shall call upon the holder to produce Part A of the permit, if it has not been produced, and Part B, or Parts A and B, of the permit and shall endorse the Parts A and B, accordingly and return them to the holder.

98. *Permit—Validation of the renewal in respect of countersignature of.*—(a) The authority by which a permit is renewed may, unless any authority by which the permit has been countersigned (with effect not terminating before the date of expiry of the permit) has by general or special order otherwise directed, likewise renew any countersignature of the permit (by endorsement of the permit in the manner set forth in the appropriate form), and shall, in such case, intimate the renewal to such authority.

(b) Unless Parts A and B of a permit have been endorsed as provided in sub-rule (a) or unless the period of validity of the countersignature has been endorsed by the authority making the countersignature, the countersignature shall be of no effect beyond the date of expiry stated therein.

99. *Permit—replacement of a particular vehicle authorised by.*—(a) If the holder of a permit relating to a particular vehicle by specification of the registration mark desires at any time to replace the vehicle with another, he shall forward Part A of the permit and apply in writing to the Transport Authority by which the permit was issued stating the reasons why the replacement is desired and shall—

(i) if the new vehicle is in his possession, forward the certificate of registration thereof, or

(ii) if the new vehicle is not in his possession, state any material particular in respect of which the new vehicle will differ from the old.

(b) Upon receipt of an application under sub-rule (a) the Regional Transport Authority may in its discretion reject the application,—

(i) if it has, previous to the application, given reasonable notice of its intention to reduce the number of transport vehicles of that class generally or in respect of the route or area to which the permit applies; or

(ii) if the new vehicle proposed differs in material respects from the old; or

(iii) if the holder of the permit has contravened the provisions thereof or has been deprived of possession of the old

vehicle under the provisions of any agreement of hire-purchase:

Provided that, in considering applications for new permits within its area, the Regional Transport Authority shall, other things being equal, give preference to an applicant who has been deprived of a permit by the operation of clause (i) of this sub-rule.

(c) If the Regional Transport Authority grants an application for the replacement of a vehicle under this rule it shall call upon the holder of the permit to produce Part B of the permit and the certificate of registration of the new vehicle, if not previously delivered to it and shall correct Parts A and B of the permit accordingly under its seal and signature and return them to the holder.

100. *Permit replacement of a vehicle authorised by a service.*—(a) If the holder of a permit relating to service of stage carriages or of contract carriages desires at any time to replace any vehicle covered by the permit by a vehicle of a different type or of a different capacity he shall forward Part A of the permit and apply in writing to the Regional Transport Authority by which the permit was issued, stating the reasons why the replacement is desired and shall intimate the relevant particulars of the vehicle to be replaced and of the new vehicle.

(b) Upon receipt of an application under sub-rule (a), the Regional Transport Authority may in its discretion reject the application—

(i) if it has, previous to the application, given reasonable notice of the intention to reduce the number of transport vehicles of that class generally or in respect of the route or area to which the permit applies; or

(ii) if the new vehicle differs in material respects from the old; or

(iii) if the holder of the permit has contravened any of the provisions thereof.

(c) If the Regional Transport Authority grants an application for the replacement of a vehicle under this rule, it shall call upon the holder of the permit to produce the appropriate Part B of the permit and shall correct Parts A and B of the permit accordingly under its seal and signature and return them to the holder.

100 A. *Temporary replacement of a Stage Carriage.*—In case of sudden failure of a State Carriage in which it is expected that the vehicle will not remain off the road for more than 10 days, the permit holder shall apply to the Regional Transport Authority through reply paid telegram for sanction for replacement by any other vehicle and remit the tax if any due on it and may at the same time make the replacement. The vehicle so replaced shall carry a certified copy from the Post and Telegraph office of the reply paid telegram and money order receipt of the tax if any remitted under rule 34 of the Rajasthan Motor Vehicles Taxation Rules 1951. The vehicle used in replacement shall be mechanically fit and con-

form in all respects to the requirements of Chapter V of the Act and its certificate of fitness should be current. The sanction for replacement shall be sent by telegram and the Inspectorial staff and the police shall also be informed of it by the Secretary of the Regional Transport Authority. When the original stage carriage resumes plying information of it shall be sent by the permit holder the Regional Transport Authority.

101. *Permit—validation of replacement order in respect of countersignature on.*—(a) The authority granting permission for the replacement of a vehicle under rules 99 and 100 shall, unless the authority by which the permit was countersigned has by general or special resolution otherwise directed, endorse on the correction made to Parts A and B of the permit the word "Valid also for . . . . ." inserting the name of the authority concerned and shall intimate the fact and the particulars of the replacement to such authority.

(b) Unless the permit has been endorsed as provided in sub-rule (a) or unless the alteration has been approved by endorsement by the countersigning authority, the countersignature on a permit shall not be valid in respect of any new vehicle.

102. *Permit—procedure on cancellation, suspension or expiry of.*—(a) The holder of a permit may at any time surrender the permit to the Regional Transport Authority by which it was granted and the Regional Transport Authority shall forthwith cancel any permit so surrendered.

(b) When a Regional Transport Authority suspends or cancels any permit—

(i) the holder shall surrender Parts A and B of the permit within seven days of receipt of a demand in writing by the Regional Transport Authority, and

(ii) the authority suspending or cancelling the permit shall send intimation to any authority by which the permit has been countersigned and to any authority to whose area the validity has been extended under rule 88 with effect at the time of suspension or cancellation

(c) Within fourteen days of the expiry of any permit by efflux of time, the holder shall deliver Part A and Part B or Part B to the Regional Transport Authority by which it was issued and the Regional Transport Authority receiving any such permit shall intimate the fact to the authority or authorities by which it was countersigned and to any authority to whose area the validity has been extended under rule 88 with effect upto the date of expiry.

103. *Permit—transfer of.*—(a) When the holder of permit desires to transfer the permit to some other person under sub-section (1) of section 59 of the Act, he shall, together with the person to whom he desires to make the transfer, make joint application in writing to the Regional Transport Authority by which the a permit was issued, setting forth the reasons for the proposed transfer.

(b) On receipt of an application under sub-rule (a) the Regional Transport Authority may require the holder and the other party to state in writing whether any premium, payment or other consideration arising out of the transfer, is to pass or has passed between them and the nature and amount of any such premium, payment or other consideration.

(c) Without prejudice to any other penalty to which the parties may be liable, any transfer of a permit ordered upon an application which the Regional Transport Authority is sub-sequently satisfied was false in respect of the matter specified in sub-rule (b) or in respect of any other material particular, shall be void.

(d) The Regional Transport Authority may summon both the parties to the application to appear before it and may, if it deems fit, deal with the application as if it were an application for a permit.

(e) (i) If the Regional Transport Authority is satisfied that the transfer of a permit may properly be made, it shall call upon the holder of the permit in writing to surrender Parts A and B of the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred to deposit the sum of (see Eighth Schedule) as transfer fee.

(ii) Upon receipt of Parts A and B of the permit and of the prescribed fee, the Regional Transport Authority shall cancel the particulars of the holder thereon and endorse particulars of the transferee and shall return the permit to the transferee.

(iii) The Regional Transport Authority making a transfer of a permit as aforesaid may, unless any other Regional Transport Authority by which the permit has been countersigned has by general or special order otherwise required, endorse Parts A and B of the permit with the words "transfer of permit valid for ....." inserting the name of the authority by which the permit had been countersigned with effect at the date of transfer.

(iv) Unless Parts A and B of the permit have been endorsed as provided in clause (iii) or unless the transfer of the permit has been approved by endorsement by the authority which countersigned the permit, the countersignature shall be of no effect after the date of transfer.

#### Notes

Sub-section (1) of Section 59 provides that,—(1) Save as provided in section 61, a permit shall not be transferable from one person to another except with the permission of the Transport Authority which granted the permit and shall not without such permission operate to confer on any person to whom a vehicle covered by the permit is transferred any right to use that vehicle in the manner authorised by the permit,

104. *Permits-issue of duplicates in place of those lost or destroyed.*—(a) When Part A or Part B of any permit has been lost or destroyed, the holder shall forthwith intimate the fact to the Regional Transport Authority by which the permit was issued and

shall deposit the prescribed fee for the issue of a duplicate and, in the case of the loss or destruction of Part B, he shall forward also Part A of the permit.

(b) The Regional Transport Authority shall, upon receipt of an application in accordance with sub-rule (a), issue a duplicate permit or part or parts of a permit, as the case may be, and, to the extent that it is able to verify the facts, may endorse thereon certified copies of any countersignature by any other authority, intimating the fact to that authority.

(c) A duplicate permit or duplicate part of a permit issued under this rule shall be clearly stamped "Duplicate" in red ink and the certified copy of any countersignature by any other Regional Transport Authority on a permit or a part of a permit made under this rule shall be valid in the region of that other authority as if it were a countersignature.

(d) When a permit or a part of a permit has become dirty, torn or otherwise defaced so as in the opinion of the Regional Transport Authority to be illegible, the holder thereof shall surrender the permit or part of the permit, as the case may be, to the Regional Transport Authority and apply for the issue to him of a duplicate permit or part of a permit in accordance with this rule.

(e) The fee for the issue of a duplicate permit or a duplicate part of a permit shall be (see Eighth Schedule) for Part A and (see eighth schedule) for each copy of Part B.

(f) Any permit or any part of permit which is found by any person shall be delivered by that person to the nearest police station or to the holder or to the Regional Transport Authority by which it was issued and if the holder finds or receives any permit or any part of permit in respect of which a duplicate has been issued, he shall return the original to the Regional Transport Authority by which it was issued.

105. *Permit—variation of.*—(a) Upon application made in writing by the holder of any permit, the Regional Transport Authority may at any time, in its discretion, vary the permit or any of the conditions thereof, subject to the provisions of the following sub-rules.

(b) Where a representation has been made by any person in connection with the grant of a stage carriage permit or a public carrier's permit under sub-section (1) of section 47 or section 55 of the Act, the Regional Transport Authority shall not, subsequent to the issue of the permit, vary the permit or condition thereof in a manner prejudicial to any person by whom such representation has been made unless the said authority has afforded such person a reasonable opportunity of making a representation in respect of the proposed variation of the permit or of any condition thereof.

(c) Notwithstanding the provisions of sub-rule (b), a Regional Transport Authority may vary any stage carriage permit or any public carrier's permit without affording any person an opportunity

of making a representation if, in the opinion of the Regional Transport Authority, the representation made by such person in respect of the issue or of the renewal of the permit was frivolous or vexatious or if the variation of the permit or any condition thereof is in accordance with any particular or general direction issued by the State Transport Authority under sub-section (4) of section 44 of the Act or involves a question of principle which has already been decided by a ruling of the Regional Transport Authority or of the State Transport Authority which has not been modified upon appeal.

106. *Permit—production of.*—(a) Part A of a permit shall be produced on demand made at any reasonable time by any Transport Officer not below the rank of an Inspector of Motor Vehicles or by any Police Officer not below the rank of a Sub-Inspector.

(b) Any Police or Transport Officer in uniform may mount any transport vehicle for the purpose of inspecting Part B of the permit.

106 A. *Exemption.*—With reference to clause (f) of sub-section (3) of section 42 of the Act, Transport vehicles engaged in propoganda for the removal of untouchability on behalf of the Bhartiya Depressed Classes League shall be exempted from the provisions of sub-section (1) of section 42 of the Act, provided the vehicle carries a written certificate from a proper officer of the Central Government to the effect that the vehicle belongs to the Bhartiya Depressed Classes League and is solely used for the purpose mentioned above.

107. *Appeals against orders of the State Transport Authority*—The authority to decide an appeal against the orders of the State Transport Authority in respect of matters dealt with in clauses (a), (b), (c), (d), (e) and (f) of section 64 of the Act shall be the Government and any person preferring an appeal against the orders of the said authority in respect of any such matter shall, within thirty days of the receipt of the order, do so in writing to the Secretary to the Government in the Transport Department in the form of a memorandum in duplicate setting forth concisely the grounds of objection to the order of the State Transport Authority, accompanied by a certified copy of that order.

(b) Upon receipt of an appeal in accordance with sub-rule (a), the Government may appoint such a tribunal as it deems fit to hear the appeal at such time and place as it may specify, giving the said Transport Authority and the appellant not less than thirty days' notice and may order the appellant to deposit such fee, not exceeding Rs. 50/- as it may specify.

108. *Appeals against orders of a Regional Transport Authority.*—(a) The authority to decide an appeal against the orders of a Regional Transport Authority under clauses (a), (b), (c), (d), (e) and (f) of section 64 of the Act shall be the Chairman and two members of the State Transport Authority from time to time appointed by the Government and any person preferring an appeal against the order of

a Regional Transport Authority in respect of such matters shall, within thirty days of the receipt of such order, do so in writing to the Secretary of the State Transport Authority in the form of a memorandum (in duplicate) setting forth concisely the grounds of objection to the order of the Regional Transport Authority accompanied by a certified copy of that order.

(b) Upon receipt of an appeal in accordance with sub-rule (a), the appellate authority may appoint a time and place for the hearing of the appeal, giving the Regional Transport Authority and the appellant not less than thirty days' notice and may order the appellant to deposit such fee, not exceeding Rs. 25/- as the appellate authority may specify..

Provided that in case any of the two members so appointed is unavoidably absent on the day fixed for the hearing of an appeal, such appeal may be heard by the Chairman and the other member so appointed and if they are equally divided in opinion the appeal may be referred to the second member whose decision shall be final.

109. *Appeals—procedure on.*—After the appellate authority has appointed a time and place for the hearing of the appeal, it shall give an intimation to the authority against whose order the appeal is made and the appellant, who shall within fourteen days of the receipt of intimation forward to the appellate authority concerned, a list of documents upon which they propose to rely together with copies of such documents in duplicate and may upon the appointed date and subsequent hearings appear either in person or through an agent or a representative authorised in writing in this behalf.

110. *Appeals—refund of fee on.*—The appellate authority hearing an appeal under the provisions of rules 107 and 108 may, if the appellant succeeds in his appeal, order the refund to him of the whole or part of the fee deposited by him.

#### Notes

Section 64 of the Act, providing for right of appeal, reads as under:—

Any person—

(a) aggrieved by the refusal of the State or a Regional Transport Authority to grant a permit, or by any condition attached to a permit granted to him, or

(b) aggrieved by the revocation or suspension of the permit, or by any variation of the conditions thereof, or

(c) aggrieved by the refusal to transfer the permit to the person succeeding on the death of the holder of a permit, or

(d) aggrieved by the refusal of the State or a Regional Transport Authority to countersign a permit, or by any condition attached to such counter-signature, or

(e) aggrieved by the refusal or renewal of a permit, or

(f) being a local authority or police authority or an association which or a person providing transport facilities who, having opposed the grant of a permit, is aggrieved by the grant thereof, or by any condition attached thereto, or

[(g) aggrieved by the refusal to grant permission under sub-section (1) or sub-section (2) of section 59, or

(b) aggrieved by a reduction under sub-section [1-A] of section 60 in the number of vehicles or routes or area covered by a permit, or

(i) aggrieved by any other order which may be prescribed, may, within the prescribed time and in the prescribed manner, appeal to the prescribed authority who shall give such person and the original authority as opportunity of being heard.

111. *Hours of work provisions—exemptions from.*—Subject to the provisions of sub-section (2) of section 65 of the Act, sub-section (1) of that section shall not apply in the case of—

(a) any transport vehicle used by or on behalf of any military or police authority in connection with military manoeuvres or exercises or in the quelling of riots or civil disturbances;

(b) any fire brigade vehicle or ambulance when being used as such ;

(c) any vehicle being used for the carriage of passengers or goods in an emergency arising out of fire, earthquake, flood, pestilence or other calamity, riot or civil disturbance ;

(d) any vehicle going for, or returning with, medical aid in an emergency or carrying any seriously injured or sick person for medical treatment, when no other means are reasonably available ;

(e) any vehicle proceeding to the nearest place of halt at which the driver and other occupants can reasonably obtain shelter and refreshment, after a delay in the journey arising out of the provisions of section 87 or section 89 of the Act or out of the failure of any of the tyres or of the machinery of the vehicle, which failure could not have been prevented by the exercise of reasonable care and diligence, and

(f) any other transport vehicle which the Government may by special order exempt from the operation of the provisions of sections 65 (1) of the Act.

112. *Hours of work—fixing in advance.*—The authority specified in the first column of the Third Schedule to these rules may require any employer of drivers of transport vehicles for the purposes set forth in the corresponding entry in the second column thereof to make to the satisfaction of the said authority such time-table schedule or regulation, as may be necessary to fix in advance the hours of work of persons employed by him, and upon approval by such authority of any time-table, schedule or regulation as aforesaid it shall be the record of the hours of work fixed for the persons concerned for the purposes of sub-section (3) and sub-section (4) of section 65 of the Act.

113. *Period of rest—definition of.*—(a) Any time spent by a driver of a vehicle on work other than driving, in connection with the vehicle or with the load carried or to be carried on the vehicle including any time spent on the vehicle during a journey save as a passenger in a public service vehicle shall not, and

(b) any time spent by the driver of a vehicle on or near the vehicle, when it is at rest, when he is at liberty to leave the vehicle for rest refreshment although required to remain within sight of the vehicle shall be deemed to be an interval of rest for the purposes of clause (a) of sub-section (1) of section 65 of the Act.

*Notes.*

Sub section (1) of section 65 provides that:—

No person shall cause or allow any person who is employed by him for the purpose of driving a transport vehicle or who is subject to his control for such purpose to work—

(a) for more than five hours before he has had an interval of rest of at least half an hour ;

(b) for more than nine hour or hours in one day ; or

(c) for more than fifty-fours in the week.

Sub-sections (2), (3) and (5) of section 65 of the Act require the State Government to, (1) grant such exemptions from the provisions of sub section (1) as it thinks fit to meet the cases of emergency or of delays by reason of circumstances which Could not be foreseen, (2) require employers to fix before hand the hours of work so as to conform with sub-section (1) and to provide for the recording of hours so fixed, (3) prescribe the circumstances under which any period, during which the driver of a vehicle although not engaged in work is required to remain on or near the vehicle may be deemed to be an interval for rest within the meaning of Sub-section (1).

114. *Conductor—provision in stage carriages of.*—Every stage carriage shall, in addition to the driver, carry a conductor, whose duty, in addition to those specially mentioned, shall be to attend on the passengers and to be responsible for the observance of the provisions of these Rules.

115. *Conductors—licensing of.*—(a) No person shall work as a conductor of a stage carriage, and no employer shall so employ any person, unless such person holds a conductor's licence in Form L. Con. granted by the Licensing Authority.

(b) A conductor's licence shall be valid for twelve months from the date of issue or renewal and shall be effective throughtout Rajasthan.

(c) A conductor's licence issued by any other competent authority outside Rajasthan shall not be effective in Rajasthan unless countersigned by a licensing authority of Rajasthan.

(d) Applications for a conductor's licence shall be made in writing, to the licensing authority of the district wherein the applicant resides, in Form L. Con. A and shall be accompanied by two clear copies of a recent photograph of the applicant and the prescribed fee.

(e) If the licensing authority has reason to suppose that the applicant is physically unfit to perform the duties of a conductor, the authority may call upon him to produce a medical certificate of fitness in Form M C. Con signed by a registered medical practitioner and, in such case, the applicant shall furnish a third copy of the photograph prescribed in sub-rule (d) which shall be firmly affixed and not loosely pinned to the medical certificate of fitness and shall be signed or sealed by the registered medical practitioner.

(f) No person under the age of 18 years shall hold a conductor's licence.

(g) The fee for a conductor's licence shall be (see Eighth Schedule) and for each renewal of conductor's licence the fee shall be (see Eighth Schedule).

(h) Application for the renewal of a conductor's licence shall be made by letter enclosing the licence accompanied by the prescribed fee, addressed to the licensing authority by which the conductor's licence was issued.

(i) If at any time a conductor's licence is lost or destroyed or becomes illegible or the photograph attached thereto ceases, in the opinion of the authority by which the licence was granted, to be a reasonable likeness of the holder, the authority shall proceed as if the conductor's licence were a driving licence, save that the fee shall in all cases be (see Eighth Schedule).

(j) The licensing authority may decline to issue a conductor's licence if it is satisfied—

(i) that the applicant's knowledge of the provisions of these Rules and of the duties and powers of a conductor thereunder is inadequate to enable him to perform the duties of a conductor; or

(ii) that the applicant was at any time the holder of a conductor's or a driving licence which has been cancelled for misconduct; or

(iii) that the character or physique of the applicant is such as to render him, an unsuitable person to hold a conductor's licence; or

(iv) that the number of conductor's licences extant is already in excess of the requirements of the district; and may likewise decline to renew a conductor's licence.

(k) The licensing authority may for reasons to be recorded in writing suspend or cancel a conductor's licence issued by itself or any other licensing authority, or any countersignature granted in accordance with sub-rule (c) of this rule. Where a licensing authority suspends or cancels a licence or countersignature granted by another authority, it shall communicate the particulars to that authority.

(l) Any Court by which a conductor is convicted of any offence in connection with his duty as a conductor may cancel the conductor's licence.

(m) A conductor of a stage carriage shall, on demand by any police or transport officer in uniform, produce his conductor's licence for inspection provided that, if at the time his licence is demanded, he is displaying the badge prescribed in rule 118, it shall be sufficient compliance with this sub rule if he produces the licence within forty-eight hours at any police station in Rajasthan which he specifies to the officer making the demand.

(n) No person shall hold more than one conductor's licence effective in the same district.

(o) A Regional Transport Authority may by notification in the Rajasthan Gazette declare, that such of these Rules applicable to driver's or to drivers' licences as may be specified in the noti-

fication shall apply to conductor's or to conductors' licences as the case may be.

116. *Uniform to be worn by drivers and conductors of public service vehicle—type of.*—Within the region for which it is constituted, the Regional Transport Authority may, in its discretion, specify that drivers and conductors of public service vehicles shall wear a uniform of a type approved by such authority.

117. *Public service vehicles drivers' badge.*—(a) The driver of a public service vehicle shall display on his left breast a metal badge in the form illustrated in the Fourth Schedule to these Rules issued by, and inscribed with, the same of the authority by which an authorisation to drive a public service vehicle has been granted and the word "Driver" together with an identification number.

(b) A driver of a public service vehicle shall not hold more than one such badge issued by an authority in Rajasthan.

(c) The fee for the issue of a badge as aforesaid shall be (see Eighth Schedule). If the badge is lost or destroyed a duplicate badge shall be issued by the authority by which it was issued on payment of (see Eighth Schedule).

(d) If at any time the authorisation on a driver's licence entitling him to drive a public service vehicle is suspended or revoked by any authority or by any court or ceases to be valid by efflux of time the driver shall within seven days surrender the badge to the authority by which it was issued.

118. *Conductor's badge.*—(a) The conductor of a stage carriage shall display on his left breast a metal badge in the form illustrated in Fourth Schedule to these Rules issued by and inscribed with the name of the authority by which the conductor's licence is granted and the word "Conductor" together with an identification number.

(b) A conductor shall not hold more than one such badge issued by an authority in Rajasthan.

(c) The fee for the issue of a conductor's badge as aforesaid shall be (see Eighth Schedule). If the badge is lost or destroyed a duplicate badge shall be issued on payment of (see Eighth Schedule).

(d) If at any time a conductor's licence is suspended or cancelled by competent authority or by any court or ceases to be valid by efflux of time the conductor, shall, within seven days, surrender the badge to the authority by which it was issued.

119. *Badge not to be transferred.*—(a) No driver and no conductor shall lend or transfer the badge prescribed in these rules to any other person.

(b) Any person finding a driver's or a conductor's badge shall, unless he returns the same to a person whom he knows to be the holder, forthwith surrender it to the licensing authority or to a Police Officer.

120. *Drivers of public service vehicle—conduct and duties of.*—The driver of a public service vehicle—

(i) shall not cause or allow any person, animal or thing to be placed or to be in the space reserved for the driver's seat in accordance with rule 186 or otherwise in such a way as to impede him in having a clear vision of the road or proper control of the vehicle;

(ii) shall not shout in order to attract a passenger;

(iii) shall, subject to any rules or regulations in force prohibiting the taking up or setting down of passengers at, or except at, certain specified places, bring the vehicle to rest for a sufficient period of time in a safe and convenient position upon the demand or signal of the conductor or of any passenger desiring to alight from the vehicle and, unless there is no room in the vehicle, upon the demand or signal of any person desiring to become a passenger;

(iv) shall not, when bringing his vehicle to rest for the purpose of picking up or setting down any passenger at or near the place where another public service vehicle is at rest for the same purpose, drive the vehicle so as to endanger, inconvenience or interfere with the driver or the conductor of the other vehicle or any person mounting or preparing to mount thereon or alighting therefrom, and shall bring his vehicle to rest in front of or behind the other vehicle and on the left hand side of the road or place; 40404

(v) shall at all times exercise all reasonable care and diligence to maintain his vehicle in a fit and proper condition and shall not knowingly drive the vehicle when it or any brake, tyre or lamp thereof, is in a defective condition likely to endanger any passenger or other person or when there is not sufficient petrol in the tank of the vehicle to enable him to reach the next petrol-filling station on the route;

(vi) shall not cause or allow any such vehicle to stand, or loiter in any public place for the purpose of collecting passengers or goods save in such place and in such manner as may be approved by competent authority, and

(vii) shall not wrongfully obstruct or attempt to obstruct the driver, conductor or other person in charge of any other public service vehicle in the transaction of his business.

121. *Drivers and conductors of public service vehicles—duties of.*—The driver and the conductor of a public service vehicle.—

(a) (i) shall, as far as may be reasonably possible having regard to his duties, be responsible for the due observance of the provisions of the Act and of these rules;

(ii) shall not smoke while on duty;

(iii) shall behave in a civil and orderly manner to passengers and intending passengers;

(iv) shall be cleanly dressed and in the manner which the Regional Transport Authority may specify;

(v) shall maintain the vehicle in a clean and sanitary condition;

(vi) shall not solicit custom save in a civil and quiet manner;

(vii) shall not interfere with persons mounting or preparing to mount upon any other vehicle;

(viii) shall not allow any person to be carried in any public service vehicle in excess of the seating capacity specified in the certificate of registration of the vehicle and any additional number permitted under the terms of the permit, to be carried standing in the vehicle;

(ix) shall not, save for good and sufficient reason refuse to carry any person tendering the legal fare;

*Explanation :—*Where the legal fare is less than one rupee, a demand by such person for change in excess of that sum shall be a good and sufficient reason for refusing to carry such person for the purposes of this sub rule;

(x) shall, where goods are carried on the vehicle in addition to passengers, take all reasonable precautions to ensure that passengers are not endangered or unduly inconvenienced by the presence of the goods;

(xi) shall not, save for good and sufficient reason, require any person who has paid the legal fare to alight from the vehicle before the conclusion of the journey;

(xii) shall not loiter or unduly delay upon any journey but shall proceed to his destination as near as may be in accordance with the time-table pertaining to the vehicle or, where there is no such time-table, with all reasonable despatch;

(xiii) shall, in the event of a stage carriage being unable to proceed to its destination on account of mechanical break down or other cause beyond the control of the driver or the conductor, arrange to convey the passengers to their destination in some other similar vehicle or, if unable so to arrange within a period of half an hour after the failure of the vehicle, shall on demand refund to each passenger a proper proportion of the fare relating to the completion of the journey for which the passenger had paid the fare;

(xiv) shall not, in the case of a stage carriage, cause or allow anything to be placed in the vehicle in such a manner as to obstruct the entry or exit of passengers;

(xv) shall not demand or accept from any passenger or hirer any fare or hire for the carriage of goods other than the fare or hire prescribed in the permit;

(b) The conductor shall sit at the rear of the vehicle and be on the look-out for other motor vehicles approaching from behind and effectively signal their approach to the driver,

(c) whenever a public service vehicle approaches an unmanned Railway crossing, the vehicle shall be stopped by the driver and the

conductor shall get down and see the railway track on both sides and shall make sure that the way is clear. The conductor shall then give signal to the driver to cross the Railway track.

(d) Every conductor shall carry on the stage carriage a complaint book in which passengers will be entitled to record any legitimate complaints in connection with the stage carriage service. Such complaint will be written clearly and signed by a passenger giving his address and shall be considered by the owner of the stage carriage.

122. *Drivers of motor cabs—additional rules for the conduct and duties of—*(1) The drivers of the first two motor cabs on any stand shall always stay near their cabs which shall be ready for immediate hiring by any person.

(2) All drivers shall move their cabs up as vacancies occur on the stand.

(3) Every cab shall be kept with front wheels, at the straight at a distance of not less than one foot from the cab immediately in front of it and where the stand is by the side of a Kerb, parallel to and not more than one foot from the Kerb.

(4) No driver shall allow his cab to remain on the stand if it is disabled unless the disablement is of a temporary nature which can be immediately remedied and is so remedied.

(5) No driver shall allow his cab when it is not engaged to remain at any place other than a stand appointed for the purpose nor shall he loiter, for the purpose of the cab being hired, in any public place.

(6) No driver shall prevent or attempt to prevent the first cab on the stand from being hired.

(7) No driver whose cab has been engaged for some future time shall keep his cab on a stand unless he is willing to accept any intermediate engagement that may be offered.

(8) A driver of a motor cab shall, in the absence of reasonable cause to the contrary, proceed to the destination named by the hirer by the shortest and quickest route.

(9) No driver of a motor cab shall make use of his cab in connection with or for the furtherance of prostitution or shall act as a procurer of prostitutes.

(10) No driver of a motor cab shall carry a cleaner or other attendant.

(11) No driver of a motor cab shall terminate the hiring thereof before he has been discharged by the hirer.

(12) No driver of a motor cab shall demand or exact any fare in excess of that to which he is legally entitled.

123. *Lost property.*—The conductor of a stage carriage shall at the conclusion of each journey make reasonable search in the vehicle for anything left by any passenger and shall take into his custody anything so found, and upon the first reasonable opportunity make over the same to a responsible person at any office or station

of the holder of the permit for the vehicle or to an officer at a police station, and shall likewise take into his custody and dispose of anything so found by any other person.

124. *Conduct of passenger in stage carriages.*—If at any time a passenger in a stage carriage—

- (i) behaves in a disorderly manner, or
- (ii) behaves in a manner likely to cause annoyance to any female passenger, or
- (iii) uses abusive language, or
- (iv) molests any other passenger, or
- (v) smoke, when smoking is prohibited, or when the vehicle is being refuelled, or
- (vi) spits, or
- (vii) obstructs the conductor in the execution of his duties, or
- (viii) refuses or is unable to pay the fare, or
- (ix) interferes without due cause with the conduct or driving of the vehicle, or
- (x) refuses to show any ticket on demand by any authorised person, or
- (xi) is reasonably suspected to be suffering from any contagious or infectious disease, or
- (xii) commits or abets any offence under the Act, or
- (xiii) refuses to pay a fresh fare when he has altered or defaced his ticket so as to render the number or any portion thereof illegible, or
- (xiv) uses or attempts to use a ticket other than the ticket valid for a particular journey or a ticket which has already been used by another passenger or on another journey, or
- (xv) has bulky luggage of a form or description likely to obstruct, annoy or inconvenience another passenger, or
- (xvi) carries any animal, flesh, fish other than tinned fish in its original packing, instrument, implement, substance or other article which is likely to annoy or inconvenience or be offensive to any other passenger, or
- (xvii) without lawful excuse occupies any seat exclusively reserved for females, or
- (xviii) sings or plays upon any musical instrument, or
- (xix) willfully damages or soils or removes any fittings in or on the stage carriage or interferes with any light or any part of the stage carriage or its equipment or
- (xx) rings without lawful excuse, or interferes with, any signal of the stage carriage,

the driver, or the conductor, if any, may require such passenger to alight from the vehicle forthwith and may stop the vehicle and keep it standing until the passenger has alighted. Such passenger shall not be entitled to the refund of any fare which he may have paid

and any passenger failing to comply forthwith with such a requirement may be forcibly removed by the conductor or the driver and shall be guilty of an offence.

125. *Additional provisions relating to conduct of passengers and other persons in omnibuses operating in cities.*—(1) In this rule unless there is anything repugnant in the subject or context,—

(a) "Company" means any person or concern duly authorised to ply motor omnibuses in the cities of Rajasthan.

(b) "Omnibus" means a stage carriage for the conveyance of passengers within a city;

(c) "Ticket" includes an identity card issued by the company.

(2) No person shall enter, or leave, or attempt to enter, or leave any omnibus whilst in motion.

(3) No person shall enter into, or alight from, an omnibus, except by the entrance or exit provided for the purpose.

(4) No person shall enter into an omnibus without first permitting all passengers leaving the omnibus to alight.

(5) No person shall knowingly or intentionally enter an omnibus which is carrying the maximum number of passengers according to the limit of the passenger capacity prescribed under these rules.

(6) No passenger or unauthorised person shall amount the driver's platform, or talk or interfere with, or otherwise distract the attention of the driver of an omnibus while on duty.

(7) No passenger shall obstruct any employee of the company in the execution of his duty on the omnibus.

(8) No passenger shall place his foot upon any seat of an omnibus.

(9) No person (not being an employee of the company) except a *bona fide* passenger or intending passenger shall board an omnibus and no passenger shall hang on to any exterior part of an omnibus.

(10) Every passenger shall on being so requested by the conductor declare to him the journey he intends to take or has taken in the omnibus and shall, before leaving the omnibus, pay to the conductor the legal fare for the whole of such journey, as specified in the table of fares exhibited in the omnibus and shall be entitled to receive a ticket corresponding thereto from the conductor.

(11) A ticket shall be valid only for the journey during which (and by the omnibus in which) it has been issued.

(12) No passenger shall travel in an omnibus beyond the destination to which the fare he has paid entitles him to travel without informing and paying to the conductor the legal fare for the additional journey. Every passenger shall, when so required, get off the omnibus in which he is travelling at the terminus of the route for which it is booked.

(13) At any time, a passenger in an omnibus,—

(a) has dress or clothing, which is likely to soil or damage the dress or clothing of another passenger or which for any other reason is offensive to other passengers, or

(b) occupies more than one seat, or reserves or attempts to reserve another seat either for himself or for another passenger, or

(c) carries any bird, or fish other than tinned fish in its original packing,

the driver or the conductor, if any, may require such passenger to alight from the omnibus forthwith and may stop and keep it standing until the passenger has alighted. Such passenger shall not be entitled to any refund of the fare which he may have paid and any person failing to comply forthwith with such a requirement may be forcibly removed by the driver or conductor or on the request of the driver or conductor or any passenger by any Police Officer and shall be guilty of an offence,

(14) A passenger who is reasonably suspected by the driver or conductor of contravening any of the provisions of this rule shall, on demand being made by the driver or conductor or a Police Officer, give his correct name and address to such driver, conductor or Police Officer.

(15) Every omnibus shall carry on it a complaint book in which passengers shall be entitled to record any legitimate complaints in connection with the omnibus service, such complaints shall be written clearly and signed by the complainant, giving his address, and shall be considered by the Company.

(16) The provisions of this rule shall apply in respect of omnibuses operating in the cities of Rajasthan in addition to those contained in rule 124.

(17) A copy of rule 124 and this rule in English and in Deonagri shall be carried in a prominent place in every omnibus.

126. (a) *Conduct of passengers in motor cabs.*—No passenger in a motor cab shall—

(i) willfully or negligently damage the cab or any of its fittings, or

(ii) On termination of the hiring, refuse or omit to pay the legal fare, for the hire of the motor cab as shown by the taximeter, if any, for hirings by distance, or in other cases by the schedule of fares fixed by a Regional Transport Authority under sub-section (b) of section 51 of the Act, nor shall he refuse to supply his correct name and address to the driver in the case of any dispute in connection with the fare.

(b) *Charges for detention and luggage.*—The driver of a motor cab shall be entitled to charge for detention after having been hired, and for any package carried in such vehicle in accordance with rates laid down in a Schedule approved by a Regional Transport Authority.

(o) In the case of a dispute between driver of a motor cab and the passenger, either party may require the other to proceed to the nearest police station, where the officer in charge shall, if the dispute is not settled amicably, record the names and addresses of both parties.

127. *Children and infants—carriage in a public service vehicle of.*—In relation to the number of persons that may be carried in a public service vehicle—

(i) a child of not more than twelve years of age shall be reckoned as one-half, and

(ii) a child of not more than three years of age shall not be reckoned.

128. *Infections or contagious diseases—persons suffering from.*—(a) No driver and no conductor of a public service vehicle shall cause or allow, to enter into or to be placed or carried in the vehicle, any person whom he knows or has reason to believe to be suffering from any infectious or contagious disease or the corpse of any person he knows or has reason to believe to have been suffering from any such disease.

(b) Notwithstanding the provisions of sub-rule (a), the driver and the conductor may, upon application in writing by a registered medical practitioner, allow a person suffering from an infectious or contagious disease to be carried in a public service vehicle; provided that no other person save a person or persons in attendance on the sick person shall be carried in the vehicle at the same time.

(c) When a person suffering from an infectious or contagious disease or the corpse of any such person has been carried in a public service vehicle the driver and the conductor of the vehicle shall be responsible that the fact is reported to a medical officer of health and to the owner of the vehicle and neither the owner nor the driver nor the conductor shall cause or allow any person to use the vehicle until the driver and the conductor and the vehicle have been disinfected in such manner as the said medical officer may specify and a certificate to this effect has been obtained from the said medical officer.

129. *Carriage of corpses.*—No driver, conductor, or person in charge of a transport vehicle shall permit any corpse to be placed or carried on such vehicle when such vehicle is plying for the conveyance of any passengers other than the person or persons by whom the vehicle has been expressly hired for the purpose of conveying such corpse.

#### Notes

Rules 124 to 129 have been framed on the authority of section 67 of the Act which reads as under:—

A State Government may Make rules to regulate, in respect of stage carriages and contract carriages,—

(a) *Comitted by Act 100 of 1955*

(b) the conduct of passengers in such vehicles.

(2) Without prejudice to the generality of the foregoing provision, such rules may—

(a) authorise the removal from such vehicle of any person infringing the rules by the driver or conductor of the vehicle, or, on the request of the driver or conductor or any passenger, by any police officer;

(b) require a passenger who is reasonably suspected by the driver or conductor of contravening the rules to give his name and address to a police officer or to the driver or conductor on demand;

(c) require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle and to pay the fare for the whole of such journey and to accept any ticket provided therefor;

(d) require, on demand being made for the purpose by the driver or conductor or other person authorised by the owner of the vehicle, production during journey and surrender at the end of the journey by the holder thereof of any ticket issued to him ;

(e) require a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he had paid;

(f) require the surrender by the holder thereof of the expiry of the period for which it is issued of a ticket issued to him;

(ff) require a passenger to abstain from doing anything which is likely to obstruct or interfere with the working of the vehicle or to cause damage to any part of the vehicle or its equipment or to cause injury or discomfort to any other passenger;

(fff) require a passenger not to smoke in any vehicle on which a notice prohibiting smoking is exhibited ;

(g) require the maintenance of complaint books in stage carriages and prescribe the conditions under which passengers can record any complaints in the same.

130. *Inspection by Health Officers.*—(a) The driver, conductor, or person in charge of a public service vehicle shall, when the vehicle is at rest at a recognised stopping place, permit any officer of a municipal or district health staff not below the rank of a Sanitary Inspector (hereinafter referred to as 'Health Officer'), to enter such vehicle with a view to satisfying himself that the provisions of rule 128 are being observed and shall, at the request of such officer, detain such vehicle for such time as is necessary for this purpose.

(b) Nothing in this rule shall permit or require a Health Officer to subject passengers in a public service vehicle to medical examination.

131. *Obedience to a Health Officer's directions.*—If any Health Officer acting under rule 130 finds that a public service vehicle is carrying or has carried any such person or corpse as is mentioned in rule 128, whether with or without the knowledge of the driver or the person in charge of such vehicle, without the written permission of the registering authority, he shall direct the driver of the said vehicle to drive the vehicle direct to its destination without taking up any passengers, and, after arrival at its destination, to drive the vehicle for the purpose of being disinfected to such place as the said officer may direct, and the driver of such vehicle shall be bound to obey any such direction given by such officer.

132. *Report by Health Officer.*—In addition to the requirements of rule 131 whenever any Health Officer acting under rule 130 finds that a public service vehicle has been or is being used in contravention of rule 128 he shall make a report of the circumstances of such contravention without delay to the nearest registering authority or to the officer-in-charge of the nearest police station.

133. *Carriage of persons in goods vehicles*—(a) Save in the cases of a vehicle which is used for the carriage of troops or police or a stage carriage in which goods are being carried in addition to passengers, no person shall be carried in a goods vehicle other than a bonafide employee of the owner or the hirer of the vehicle, and except in accordance with this rule.

(b) No person shall be carried in the cab of a goods vehicle beyond the number for which there is seating accommodation at the rate of fifteen inches measured along with the seat excluding the space reserved for the driver, for each person, and not more than six person in all in addition to the driver shall be carried in any goods vehicle,

(c) No person shall be carried upon the goods or otherwise in such a manner that such person is in danger of falling from the vehicle, and in no case shall any person be carried in a goods vehicle in such a manner that any part of his person, when he is in a sitting position, is at a height exceeding ten feet from the surface upon which the vehicle rest.

(d) Notwithstanding the provisions of sub-rule (b), a Regional Transport Authority may, as a condition of the permit granted for any goods vehicle, specify the conditions subject to which a larger number of persons may be carried in the vehicle, provided that such number shall not exceed the area in square feet of the floor of the vehicle divided by 7.

(e) Nothing contained in this rule shall be deemed to authorise the carriage of any person for hire or reward on any vehicle, unless there is in force in respect of the vehicle a permit authorising the use of the vehicle for such purpose, and save in accordance with the provisions of such permit.

134. *Stands and halting places*:—(a) A Regional Transport Authority, by notification in the Rajasthan Gazette, or by the erection of traffic signs which are permitted for the purpose under sub-section (1) of section 75 of the Act or both, may, in respect of the taking up or setting down of passengers or both by public service vehicles or by any specified class of public service vehicles,—

(i) conditionally or unconditionally prohibit the use of any specified place or of any place of a specified nature or class, or

(ii) require that within the limits of any municipality, or within such other limits as may be specified in the notification certain specified stands or halting places only shall be so used :

Provided that no place which is privately owned shall be so notified except with the previous consent in writing of the owner thereof.

(b) When a place has been notified or has been demarcated by traffic signs, or both, as being a stand or halting place for the purpose of this rule, then, notwithstanding that the land is in possession of any person, the place shall, subject to the provisions of these rules, be deemed to be a public place within the meaning of the Act, and the Regional Transport Authority may enter into an agreement with, or grant a licence to any person for, the provision or maintenance of such place including the provision or maintenance of the buildings or works necessary thereto, subject to the termination of the agreement or licence forthwith upon the breach of any condition thereof and may otherwise make rules or give directions for the conduct of such place, including rules or directions :—

(i) prescribing the fees to be paid by the owners of public service vehicles using the place and providing for the receipt and disposal of such fees ;

(ii) specifying the public service vehicles or class of public service vehicles which shall use the place or which shall not use the place ;

(iii) appointing a person to be the manager of the place and specifying the powers and duties of the manager ;

(iv) requiring the owner of the land, or the local authority, as the case may be, to erect such shelters, lavatories and latrines and to execute such other works as may be specified in the rules or directions and to maintain the same in a serviceable, clean and sanitary condition ;

(v) prohibiting the use of such place by specified persons or by other than specified persons.

(c) Nothing in sub-rule (b) shall require any person owning the land, which has been appointed as a stand or halting place, to undertake any work or incur any expenditure in connection therewith without his consent and, in the event of any such person declining to carry out such work or to incur such expenditure or failing to comply with any rule or direction made or given to him under this rule, the competent authority may prohibit the use of such a place for the purposes of this rule.

#### Notes

Sub-section (1) of section 75 provides that,

(1) That State Government or any authority authorised in this behalf by the State Government may cause or permit traffic signs to be placed or erected in any public place for the purpose of bringing to public notice any speed limits fixed under sub section (2) of section 71 or any prohibitions or restrictions imposed under section 74, or generally for the purpose of regulating motor vehicle traffic.

The present rule has been framed for the purpose of carrying into effect the requirements of section 76 of the Act which provides that,

The State Government or any authority authorised in this behalf by the State Government, may, in consultation with the local authority having jurisdiction in the area concerned, determine places at which motor vehicles may stand either indefinitely or for a specified period of time, and may determine the places at which public service vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers.

135. *Records to be maintained.*—(a) A Regional Transport Authority may by general or special order require the owner of any transport vehicle to maintain records and submit returns in respect of the vehicle in such form as the authority may specify and such records and returns may include particulars of the daily use of the vehicle in respect of—

(i) the name and licence number of the driver and conductor and other attendant, if any ;

(ii) the route upon which or the area within which the vehicle was used ;

(iii) the number of miles travelled;

(iv) the times of commencement and termination of a journey and of any halts on a journey when the driver obtained rest ;

(v) the weight of goods carried between specified places and the nature of the goods;

(vi) in the case of goods carried in a stage carriage, the number of trips and the mileage when goods were carried solely and when goods were carried in addition to passengers and, in the latter case the number of seats available for passengers.

(b) No owner or other person shall cause or allow any person to drive a transport vehicle unless the owner or other person has in his possession a record in writing of the name and address of the driver as set forth in his driving licence, the number of the licence and the name of the authority by which it was issued.

136. *Permit holder—change of address of*—(a) If the holder of a permit ceases to reside or to have his place of business, as the case may be, at the address set forth in the permit, he shall, within fourteen days, send Part A of the permit, the Transport Authority by which the permit was issued, intimating the new address.

(b) Upon receipt of intimation under sub-rule (a), the Regional Transport Authority or the State Transport Authority, as the case may be, shall, after making such enquiries as the authority deems fit, enter in the permit the new address and shall intimate the particulars to the authority of any region in which the permit is valid by virtue of countersignature or otherwise.

137. *Public service vehicle—intimation of damage to or failure of.*—(a) The holder of a stage carriage permit or any contract carriage permit in respect of a particular vehicle by reference to the registration mark shall, within seven days of

occurrence, report in writing to Transport Authority by which the permit was issued any failure of, or damage to, such vehicle or to any part thereof of such a nature as to render the vehicle unfit for use in accordance with the conditions of the permit for a period exceeding three days.

(b) The holder of any permit in respect of a service of stage carriages shall, within seven days of occurrence, report in writing to the Transport Authority by which the permit was issued, any failure of, or damage to, any vehicle used by him under the authority of the permit of such a nature as to prevent the holder from complying with any of the provisions or conditions of the permit for a period exceeding three days.

(c) Upon receipt of a report under the preceding sub-rules, the Transport Authority by which the permit was issued, may, subject to the provisions of rules 99 and 100,—

(i) direct the holder of the permit within such period not exceeding two months from the date of occurrence, as the authority may specify, either to make good the damage to or failure of the vehicle, or to provide a substitute vehicle, or

(ii) if the damage to, or failure of, the vehicle is such that in the opinion of the said authority, it cannot be made good within a period of two months from the date of occurrence, direct the holder of the permit to provide a substitute vehicle;

and, when the holder of the permit fails to comply with any such direction, may suspend cancel or vary the permit accordingly.

(d) The Transport Authority giving a direction, or suspending, cancelling or varying a permit under sub-rule (c) shall send intimation of the fact to the Transport Authority of any other region in which the permit is valid by virtue of countersignature or otherwise.

138. *Alteration to motor vehicle.*—(a) Further to the provisions of section 32 of the Act, the owner of a Transport vehicle, or if the owner is not the holder of the permit, the holder of the permit shall, at the same time as the report required by that section is made to the registering authority, forward a copy thereof to the Transport Authority by which the permit relating to the vehicle was granted, or, in the case of a permit relating to a service of stage carriages, to the Transport Authority by which the permit was granted under which the vehicle is being used.

(b) Upon receipt a report under sub-rule (a) the Transport Authority by which the permit was granted may, if the alteration is such as to contravene any of the provisions or conditions of the permit,—

(i) vary the permit accordingly, or

(ii) require the permit holder to provide a substitute vehicle within such period as the authority may specify and,

if the holder fails to comply with such requirement, cancel or suspend the permit.

(c) A Transport Authority varying, suspending or cancelling a permit or causing another vehicle to be substituted for a vehicle covered by a permit, shall intimate all particulars to the Transport Authority of any other region in which the permit is valid by virtue of countersignature or otherwise.

#### Notes

Section 32 of the Act provides for alterations in a motor vehicle and lays down procedure thereof.

139. *Provision as to trailers*—(a) No trailer other than the trailing-half of an articulated vehicle shall be attached to a public service vehicle.

(b) Save in the case of a trailer being used for the carriage of troops or police, no person other than the attendant or attendants required by rule 253 shall be carried on a trailer.

(c) Subject to the provisions of sub-rule (1), all the provisions of these Rules relating to a private carrier or to a public carrier shall apply to any trailer used for the purposes of a private carrier or a public carrier, as the case may be.

(d) The State Transport Authority or a Regional Transport Authority granting or countersigning a private carrier's permit or a public carrier's permit may require as a condition of the permit or of the countersignature, as the case may be, that no trailer, or that not more than one trailer, or that no trailer of a specified description, shall be attached to any transport vehicle covered by the permit.

140. *Inspection of transport vehicles and their contents*.—(a) Any Police Officer in uniform not below the rank of Sub-Inspector or any Transport Officer not below the rank of a Sub-Inspector of Motor Vehicle, may at any time when the vehicle is in a public place, call upon the driver of a goods vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the Police or Transport Officer to make reasonable examination of the contents of the vehicle.

(b) Notwithstanding the provisions of sub-rule (a), the Police or Transport Officer shall not be entitled to examine the contents of any goods vehicle unless,—

(i) the permit in respect of the vehicle contains a provision or condition in respect of the goods which may not be carried on the vehicle, and

(ii) the Police or Transport Officer has reason to suppose that the vehicle is being used in contravention of the provisions of the Act or those rules.

(c) Any Police Officer in uniform and any Transport Officer not below the rank of a sub-Inspector of Motor Vehicles may at any time when the vehicle is in a public service place call upon the driver of a public service vehicle to stop the vehicle and to keep it at rest for

such time as may be necessary to enable such officer to make reasonable examination of the number of passengers and other contents of the vehicle so as to satisfy himself that the provisions of the Act and these rules and the provisions and conditions of the permit in respect of the vehicle are being complied with.

(d) Any officer of the Transport Department not below the rank of a sub-Inspector of Motor Vehicles may at any time when a transport vehicle is in a public place call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the officer to inspect such vehicle. The officer shall give to the driver or any other person in charge of the vehicle a certificate stating the date on which, the hour at which and the period for which the vehicle was detained.

(e) Any member of the Regional Transport Authority or State Transport Authority or any other persons specially empowered in that behalf for a particular occasion by the Government may at any time when a transport vehicle is in a public place call upon the driver of such vehicle to stop the vehicle and keep it at rest for such time as may be necessary to enable the member or such other person to inspect such vehicle.

141. *Motor cabs may be required to carry taxi-meters* — (1) A Regional Transport Authority may, by notification in the Rajasthan Gazette, require that within the limits of any municipality, or other area as may be specified in the notification, all motor cabs intended for private hire shall be fitted with taxi meters.

(2) Where a notification as aforesaid has been issued, permits shall not be granted in respect of any motor cab not fitted with a taxi-meter, except in the following cases:—

(a) Where the permit is granted with the following conditions:—

(i) that the owner of such cab shall maintain not less than six motor cabs;

(ii) that such owner shall provide such garage accommodation for the cabs as is approved by the Regional Transport Authority; and

(iii) that the cab shall not be offered for hire at public stands or at any public place;

(b) Where the permit is granted to Automobile Companies or Associations recognised by the Government of Rajasthan in this behalf, on the condition that the permit holder shall maintain motor cabs for the bona fide use of tourists and shall supply them only in accordance with the specific request of the Regional Tourist Officer concerned or the Regional Transport Officer concerned.

(3) No motor cab required to be fitted with a taxi-meter under this rule shall be used as a motor cab unless it is so fitted. The taxi-meter shall be of the type or types approved by the State Transport Authority. Such taxi-meter shall be fixed to, and operated from, a

non-driving wheel and shall bear the seal of the registering authority to indicate that it has been tested and is in proper working order.

(4) Every taxi-meter shall be fitted with an indicator or handle in the form of a flag on which shall be printed the words "For Hire". The taxi-meter shall be so constructed that, when the indicator is vertical, the taxi-meter shall be out of action. Such indication shall be so placed as to be clearly visible to any person outside of, and in front of, the vehicle and to the hirer when inside.

(5) The vertical position shall indicate that the vehicle is available for hire, and no driver shall, without reasonable excuse, refuse to accept any offer for hire when the indicator is in a vertical position.

142. *Examination and sealing of taxi-meter.*—Every taxi-meter, after it has been affixed to a taxi-cab, whether for the first time or after repair or adjustment, shall be submitted to the registering authority or any other officer appointed by it in this behalf, for examination as to the correctness of the fittings and subjection to a practical road test over a measured distance of one mile and a time-test of not less than a half-hour's duration. If found correct, its fittings shall be sealed to the taxi-cab in such a manner that it cannot be removed or tampered with without the breaking or removal of the seals. No person shall break, or tamper with, or attempt to break or tamper with, such seal or with the taxi-meter or its fittings.

143. *Subsequent examination.*—Every taxi-meter shall be submitted for examination and test once every six months and at any other time if required by the registering authority. The result of each examination and test shall be entered in the permit of the taxi-cab,

144. *Illumination of taxi-meter.*—In every taxi-cab there shall be a light so placed as to illuminate the taxi-meter at night.

145. *Operation of taxi-meter.*—The driver of every taxi-cab shall, as soon as he is hired, and no sooner, set the taxi-meter in motion, and, upon the termination of the hiring, shall immediately stop the same. But if a taxi-cab is called from a garage or a stand to take up a passenger at any place less than 500 yards from the garage or stand, the taxi-meter shall not be set in motion until the taxi-cab shall have arrived at such place and is ready to take up the passenger.

146. *The fare recorded by the meter.*—The fares recorded by the meter for detention by time and for distance travelled shall be according to the rates fixed by the Regional Transport Authority under section 51 of the Act.

147. *Floor mat.*—The floor of a motor cab shall be covered with a mat of rubber, coir or other suitable material.

148. *Conveyance of animals in stage carriages.*—Cattle and goats shall not be carried in stage carriages, but small dogs and other pets may be carried on payment if permitted by the conductor. All dogs and other small animals conveyed in stage carriages shall be securely fastened and under proper control.

149. *Conduct of agents.*—No agent for the sale of tickets for stage carriages shall tout, or employ touts, or in any way canvass passengers or attempt to prevent passengers from taking seats in other vehicles.

150. *Use of unmetalled roads.*—A transport authority may prohibit transport vehicles other than motor cabs to be used on any unmetalled road in the state.

## CHAPTER V.

### Construction, Equipmant and Maintenance of Motor Vehicles.

#### Notes

The rules in this Chapter have been framed for putting into effect the requirements of Chapter V of the Act. Section 69 of the Act provides that,

Every motor vehicle shall be so constructed and so maintained as to be at all times under the effective control of the person driving the vehicle.

Sub-section (1) of section 70 requires the State Government to make rules for regulating the Construction, equipment and maintenance of motor vehicle and trailers. Without prejudice to the generality of this power sub-section (2) of section 70 requires that, "rules may be—

Without prejudice to the generality of the foregoing power, rules may be made under this section governing any of the following matters either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances, namely:

- (a) the width, height, length and overhang of vehicles and of the loads carried;
- (b) seating arrangements in public service vehicles and the protection of passengers against the weather;
- (c) the size, nature and condition of tyres;
- (d) brakes and steering gear;
- (e) the use of safety glass;
- (f) signalling appliances, lamps and reflectors;
- (g) speed governors;
- (h) the emission of smoke, visible vapour, sparks, ashes, grit or oil;
- (i) the reduction of noise emitted by or caused by vehicles;
- (j) prohibiting or restricting the use of audible signals at certain times or in certain places;
- (k) prohibiting the carrying of appliances likely to cause annoyance or danger;
- (l) the periodical testing and inspection of vehicles by prescribed authorities ;
- (m) the particulars other than registration marks to be exhibited by vehicles and the manner in which they shall be exhibited; and
- (n) the use of trailers with motor vehicles.

The rules in this Chapter have been framed on the authority of section 70 of the Act.

151. *General.*—(1) No person shall use and no person shall cause or allow to be used or to be in any public place any motor vehicle which does not comply with the rules contained in this chapter, or with any order thereunder made by competent authority.

(2) Nothing in this rule shall apply to a motor vehicle which has been damaged in an accident or to a vehicle stopped or impeded

owing to shortage of fuel or other temporary defect while at the place at which the accident or defect occurred, or to a vehicle so damaged or defective while being removed to the nearest reasonable place of repair or disposal.

152. *Lamps.*—(1) Save as otherwise provided in these rules every motor vehicle while in a public place during the period between half an hour after sunset and half an hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the road at a distance of five hundred feet ahead, shall carry the following lamps (hereinafter referred to as "obligatory front lamps") kept lit and in an efficient condition:—

(i) save in the cases of a motor cycle and an invalid carriage, two lamps showing to the front a white light visible from a distance of five hundred feet;

(ii) in the cases of a motor cycle and an invalid carriage, one lamp showing to the front a white light visible from a distance of five hundred feet and, where the registration mark exhibited at the front of the vehicle is exhibited on both sides of a plate in the manner prescribed in rule 56 sub-rule (e) so fixed as to illuminate both sides of the plate;

(iii) in the case of a side car attached to a motor cycle, a lamp affixed to the extreme left hand side of the side car showing to the front a white light visible from a distance of five hundred feet, in addition to the lamp required by clause (ii).

(2) It shall also carry—

(i) one lamp (hereinafter referred to as the "rear lamp") showing to the rear a red light visible from a distance of five hundred feet, and

(ii) a lamp, which may be the rear lamp or some other device, illuminating with a white light the whole of the registration mark exhibited on the rear of the vehicle, so as to render it legible from a distance of fifty feet to the rear.

(3) When a motor vehicle is drawing another vehicle or vehicles and the distance between such vehicles does not exceed five feet, it shall not, subject to any other provision of these rules, be necessary for drawn vehicles to carry obligatory front lamps and for any save the last drawn vehicle to carry a rear lamp or a lamp illuminating the rear registration mark.

(4) Obligatory front lamps shall be as nearly as possible of the same power and at the same height from the ground.

(5) No lamp showing a light to the front shall be fixed so that the centre of the lamp is more than five feet from the ground:

Provided that this provision shall not apply to—

(i) the internal lighting of any motor vehicle, or

(ii) any light necessary to illuminate the route board of a public service vehicle.

(6) The rear lamp shall be fixed either on the centre line of the vehicle or to the right-hand side and, at a height of not more than three feet and six inches from the ground.

(7) Where a trailer is being drawn by a motor vehicle, other than the drawn part of an articulated vehicle, a lamp of as nearly as possible the same size and power as the rear lamp and showing a red light to the rear shall be affixed to the trailer vertically above or below the rear lamp at a distance of not less than two feet or more than three feet from the rear lamp.

(8) No motor vehicle shall show a red light to the front or other than a red light to the rear:

Provided that this provision shall not apply to—

- (i) the internal lighting of the vehicle, or
- (ii) an amber light if displayed by any direction indicator or stop light, or
- (iii) the vehicle conveying His Highness the Rajpramukh or a vehicle escorting such vehicle.

(9) No lamp showing a light to the front shall be used on any vehicle unless such lamp is so constructed, fitted and maintained that the beam of light emitted therefrom—

(i) is permanently deflected downwards to such an extent that it is at all times incapable of dazzling any person, standing on the same horizontal plane as the vehicle at a greater distance than 25 feet from the lamp, and whose eye-level is not less than 3 feet 6 inches above that plane, or

(ii) can be deflected downwards or both downwards and to the left by the driver in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid, or

(iii) can be extinguished by a device which brings into or leaves in operation lights which are deflected downwards or downwards and outwards in such manner as to be incapable or dazzling any person in the circumstances aforesaid.

(10) Sub-rule (9) shall not apply to any lamp fitted with an electric bulb, if the power of the bulb does not exceed seven watts and the lamp is fitted with frosted glass or other material which has the effect of diffusing the light.

153. *Brakes.*—(1) Every motor vehicle shall be equipped with two independent and efficient braking systems, or with one efficient braking system having two independent means of operation. In either case the braking shall be so constructed and maintained that the failure of any single portion of it shall not prevent the brakes on two wheels, or in the case of a vehicle having less than four wheels, on one wheel, from operating effectively to hold such wheels from revolving or to have the same effect in stopping the vehicle as if such wheels were so held.

*Explanation:—*In the case of a single braking system, the two means of operation shall not be deemed to be otherwise than independent solely by reason of the fact that they are connected either directly or indirectly with the same cross shaft.

(2) Where in the case of a single braking system, the means of operation are connected either directly or indirectly with the same cross shaft, the brakes applied by one of such means shall act on all the wheels of the vehicle directly and not through the transmission gear.

(3) In every motor vehicle the brakes operated by one of the means of operation shall act directly upon the wheels and not through the transmission gear.

(4) Except in the case of a motor cycle, the braking system or one of the braking systems of a motor vehicle shall be so constructed and maintained that it can be so set as effectively to prevent two at least or, in the case of a motor vehicle having only three wheels, one at least, of the wheels from revolving when the vehicle is left unattended.

154. (a) *Brakes on Locomotives.*—Every locomotive shall have an efficient braking system, the brakes of which act upon all the wheels of the locomotive other than the steering wheels.

(b) *Distance within which vehicle should stop on application of brakes.* The braking system operated by one of the means of operation shall be capable of bringing the vehicle to rest when travelling at the speed specified in the table below within the distance therein specified, when, at the time of the application of the brakes, the vehicle is travelling over a hard dry, level road in good condition, with top gear and clutch engaged, or when, in the same condition, the efficiency of the brakes, as determined by a brake-testing meter approved by the Government, is not less than 30 per cent when the vehicle is laden and not less than 40 per cent when the vehicle is unladen.

Speed.	Distance in feet to stop from application of brakes.	
	Vehicles laden.	Vehicles unladen.
Miles per hour.		
20	45	33.5
15	25	19

*Explanation:—*The term "laden" in this rule means laden with not less than 50 per cent of the legal load.

155. (a) *Reversing.*—Every motor vehicle other than a motor cycle shall be capable of moving under its own power either forwards or backwards.

(b) *Prohibition of multi toned horn.*—Subject to the provisions of sub-rule (a) no motor vehicle shall be fitted with any multi-toned horn giving a succession of different notes or with any other device giving an unduly harsh, shrill, loud or alarming noise.

(c) *Use of special sound signals on ambulances etc.*—The transport authority may permit the use of specified types of sound signals on a specified class or classes of vehicles, such as vehicles used as ambulances or for fire fighting or salvage purposes or vehicles used by police officers in the course of their duties. Such devices shall not be of a type ordinarily fitted on other classes of motor vehicles. When such permission has been granted, the transport authority may prohibit the use of such devices by other classes of motor vehicles.

156. *Horn.*—Every motor vehicle other than a motor cycle shall be fitted with a horn or other device available for immediate use by the driver of the vehicle and capable of giving adequate warning of the approach or position of the vehicle.

157. (a) *Silencers.*—Every motor vehicle shall be fitted with a device (herein referred to as a silencer) which reduces, as far as may be reasonable and practicable, the noise that would otherwise be made by the escape of exhaust gases from the engine.

(b) *Exhaust gas.*—Every motor vehicle shall be so constructed or equipped that the exhaust gases from the engine are not discharged downwards so as to impinge on the road surface.

158. *Mirror.*—Every motor vehicle other than a motor cycle shall be fitted with a mirror which is so placed that the driver can have a distinct view of the traffic approaching from the rear.

159. *Dangerous projections.*—(a) No mascot or other similar fitting or devices shall be carried by any motor vehicle registered in Rajasthan, on or after the date of the coming into force of these Rules, in any position where it is likely to strike any person with whom the vehicle may collide unless the mascot is unlikely to cause injury to any person by reason of any projection thereon.

(b) No motor vehicle shall be permitted to be used which is so constructed that any axle hub or hub cap projects laterally more than four inches beyond the rim of the wheel to which it is attached, unless the hub or hub cap does not project laterally beyond the body or wings of the vehicle and is provided with an adequate guard.

160. *Safety glass.*—(1) The glass of windscreens or windows facing to the front on the outside of every motor vehicle shall be safety glass.

(2) For the purpose of this rule, "Safety glass" means glass so constructed or treated that if fractured it does not break into fragments capable of causing severe cuts.

(3) This rule shall not apply to a motor vehicle registered in Rajasthan before the coming into force of these Rules.

161. *Glass arrangements—maintenance.*—All glass or other transparent material fitted to a motor vehicle shall be maintained in such condition that it does not obscure the driver's vision or his view to the rear through the prescribed mirror.

162. *Windscreen wiper*.—An efficient automatic wind-screan wiper shall be fitted to every motor vehicle which is so constructed that the driver cannot by opening the windscreen or otherwise, obtain an adequate view to the front of the vehicle without looking through the windscreen.

163. *Tyres*.—(1) The pneumatic tyres in use on every motor vehicle shall be kept properly inflated and in good and sound condition.

(2) A tyre shall be deemed to be not in good and sound condition if—

(i) any of the fabric of the casing is exposed by wear of the tread or by any unvulcanised cut or abrasion of any part, or

(ii) the tyre shows signs of incipient failure by local deformation, or

(iii) it has been patched or repaired by an outside gaiter or patch other than a properly vulcanised repair:

Provided that clause (iii) shall not apply to a temporary repair effected to enable the vehicle to be moved to the nearest reasonable place where the tyre can be repaired or replaced.

(3) *Tyres of Track laying vehicle*.—On or after the coming into force of these Rules, no motor vehicle other than a track laying vehicle shall be driven at a speed in excess of six miles per hour unless it is fitted with pneumatic tyres on all wheels.

(4) *Tyres of heavy transport vehicle*.—If the tyres of the wheels of tractor, locomotive or heavy transport vehicle are neither pneumatic nor made of a soft or elastic material, they must satisfy the following conditions, namely, that the tyres of each wheel shall be smooth any shall, where the tyres touch the surface of the road or other base whereon the vehicle moves or rests, be flat:

Provided that the edges of the tyres may be levelled or rounded to the extent of not more than half an inch in the case of each edge :

Provided also that if the tyres are constructed of separate plates, the plates may be separated by parallel spaces which shall be disposed throughout the outer surface of the tyre so that no where shall the aggregate extent of the space or spaces in the course of a straight line drawn horizontally across the circumference of the wheel exceed one-eighth part of the width of the tyre:

Provided further that the driving wheels shall be cylindrical and smooth-soled or shod with diagonal cross-bars of not less than three inches in width nor more than three-quarters of an inch in thickness extending over the full breadth of the tyre and the space intervening between the cross-bars shall not exceed three inches.

164. *Diameter of wheels*.—If any wheel of a tractor locomotive or heavy transport vehicle is fitted with a tyre which is neither pneumatic nor made of soft or elastic material, the diameter of the wheel shall be not less than two feet.

*Explanation:*—For the purpose of these Rules, “Diameter” in relation to a wheel, means the diameter measured between the two opposite points in the outer surface of the tyre which are farthest apart; and “Width”, in relation to the tyre of a wheel, means the distance measured horizontally and in a straight line across the circumference of the wheel and between the two points in the outer surface of the tyre which are farthest apart.

165. *Track laying vehicles to be fitted with shoes.*—No track laying vehicle shall be used on a public road unless it is fitted with shoes or other suitable device of a type approved by the State Transport Authority which will permit its use without undue damage to the roadway.

166. (a) *Smoke vapour grease—emission of.*—Every motor vehicle shall be so constructed and used that no avoidable smoke, visible vapour, oil or harmful substance is emitted.

(b) *Application on vehicle using solid fuel.*—Every motor vehicle using solid fuel shall be fitted with an efficient appliance for the purpose of preventing the emission of sparks or grit and also with a tray or shield to prevent ashes and cinders from falling on to the road.

167. *Speedometer.*—(1) On or after the coming into force of these Rules every motor vehicle, other than an invalid carriage or a vehicle which may not, under the provisions of the Eighth Schedule to the Act, at any time be driven at a rate of speed in excess of six miles per hour, shall be fitted with an instrument (hereinafter referred to as a “speedometer”) so constructed and in such a position as at all times readily to indicate to the driver of the vehicle the speed at which the vehicle is travelling.

(2) A speedometer shall be deemed to satisfy the requirements of this rule, if, upon test, it is found to be accurate within ten per cent above or below the speed specified for the vehicle in the Eighth Schedule to the Act or, if no speed is so specified, than above or below a speed of thirty miles per hour.

168. *Springing.*—Every motor vehicle and every trailer drawn thereby shall be equipped with a suitable and sufficient means of springing adequately maintained in good and sound condition between the road wheels and the frame of the vehicle :

Provided this rule shall not apply to—

(1) any motor vehicle registered before the coming into force of these Rules if any means of springing with which it is fitted are adequately maintained in good and sound condition ;

(2) any tractor not exceeding ten thousand pounds in weight unladen if all the unsprung wheels of the tractor are fitted with pneumatic tyres ;

(3) any land locomotive, land tractor, land implement agricultural trailer or any trailer used solely for the haulage of felled trees;

(4) motor cycles;

(5) vehicles designed for use in works or in private premises and used on a road only in passing from one part of the work or premises to another or to works or premises within a distance of two miles.

169. *Steering*—The steering mechanism of every vehicle shall be adequately maintained in good and sound condition free from excessive backlash, and where the pins are secured with bolts or pins, the bolts or pins shall be effectively locked.

170. *Overall width*.—(1) The overall width of every motor vehicle measured between perpendiculars from the extreme points shall not exceed 7 feet 6 inches.

(2) Notwithstanding anything contained in sub-rule (1) the Regional Transport Authority may authorise the use of a transport vehicle having an overall width exceeding seven feet six inches but not exceeding eight feet one inch on a specified route or routes or in a specified area within Rajasthan. When a Regional Transport Authority takes action under this sub-rule, it shall enter in the certificate of registration of the vehicle the particulars of the route or routes on which, or the area in which, the vehicle may be used.

171. *Overall length vehicle other than trailer*.—(a) The overall length of every motor vehicle other than a trailer shall not exceed—

(i) in the case of a vehicle having not more than two axles, twenty-seven feet and six inches;

(ii) in the case of a rigid framed vehicle having more than 2 axles, thirty-three feet.

(b) Sub-rule (a) shall not apply in the case of an articulated vehicle constructed and normally used for the conveyance of indivisible loads of exceptional length;

Provided that the length of such vehicle shall in no case exceed forty feet.

(c) If a trailer is or trailers are attached to a motor vehicle the total length of the train, including such motor vehicle, shall not exceed forty feet.

(d) In sub-rule (a) of this rule and in sub-rule (d) of rule 191, "overall length" means the length of the vehicle measured between parallel planes passing through the extreme points of the vehicle exclusive of—

(i) any starting handle;

(ii) any hood when down;

(iii) any ladder forming part of a turntable firescape fixed to a vehicle;

(iv) any post office letter-box the axis of which measured parallel to the axis of the vehicle does not exceed twelve inches.

172. (a) *Overall height—single-decked vehicle.*—The overall height of a motor vehicle other than a double-decked motor vehicle measured from the surface on which the motor vehicle rests shall not exceed eleven feet.

(b) *Double-decked vehicle.*—The overall height of a double-decked motor vehicle shall not exceed fifteen feet and six inches.

(c) *Exemption.*—Sub rules (a) and (b) shall not apply to fire-escapes tower wagons and other special purpose vehicles exempted by the general or special order of the District Magistrate concerned.

173. (a) *“Overhang”.*—The overhang of a tractor or locomotive shall not exceed six feet.

(b) *Transport vehicles.*—The overhang of a transport vehicle with two axles shall not exceed forty per cent of the wheel-base. The overhang of a transport vehicle with more per cent than two axles shall not exceed 25% of the distance from a line taken through the centre of the front axle to the first point from which the overhang is to be measured according to sub-rule (d).

(c) *Other vehicles.*—The overhang of a motor vehicle, other than a tractor, locomotive or transport vehicle, shall not exceed forty-five per cent of the wheel-base in the case of a vehicle with two axles and in the case of a vehicle with more than two axles shall not exceed forty-five per cent of the distance from a line taken through the centre of the front axle to the first point from which the overhang is to be measured according to sub-rule (d).

(d) *Definition.*—For the purpose of these rules “overhang” means the distance between the parallel lines drawn through the points specified in paragraphs I & II of this definition respectively

I—The rearmost point of the vehicle exclusive of—

(1) any hood when down;

(2) any post office letter-box the length of which, measured parallel to the longitudinal axis of the vehicle, does not exceed 12 inches;

(3) any ladder forming part of a turntable fire-escape fixed to a vehicle;

(4) any ladder carrier fitted to a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than seven passengers exclusive of the driver.

II—(1) In the case of a motor vehicle having only two axles one of which is not a steering axle, the centre point of that axle, or

(2) in the case of a motor vehicle having only three axles where the front axle is the only steering axle, a point four inches in the rear of the centre of a straight line joining the centre points of rear and middle axles, or

(3) In any other case, a point situated on the longitudinal axis of the vehicle and such that the line drawn from it at right angles to the axis will pass through the centre of the minimum turning circle of the vehicle.

(e) *Exemption*.—In the case of a motor vehicle other than a transport vehicle registered before the coming into force of these rules it shall suffice if the overhang does not exceed  $7/24$  ths of the overall length of the vehicle.

174. *Turning in a circle*.—Every motor vehicle shall be so constructed as to be capable of turning in either direction in a circle not exceeding in diameter sixty feet in the case of a vehicle the overall length of which does not exceed twenty-six feet and sixty-six feet in the case of any other vehicle. For the purposes of this rule such diameter shall be determined by reference to the extreme outer edge of the wheel track at ground level.

175. *Direction and Indicators and stop lights*.—(a) For the purpose of the proviso to section 79 of the Act the signal of an intention to turn to the right or left may be given by a mechanical or electrical direction indicator and during the period between half an hour after sun-set and half an hour before sun-rise, the signal of an intention to stop may be given by an electrical stop light, as specified in sub-rules, (g), and (h) and (i).

(b) *Electrical direction indicator*.—Every electrical direction indicator shall, when in operation during the hours specified in sub-rule (a), be in the form of an illuminated sign of amber colour of a minimum illuminated length of six inches and of a maximum illuminated breadth not exceeding one fourth of the illuminated length and the illuminated surface shall be visible both from front and rear of the vehicle. But nothing in this sub-rule applies to an electrical direction indicator of the nature described in sub-rule (k) below.

(c) *Mechanical direction indicator*.—Every direction indicator other than an electrically operated one shall be in the form of an arrow not less than six inches in length presenting a white surface visible from the front and rear of the vehicle.

(d) *Position and dimensions*.—A direction indicator intended to intimate a right hand turn shall be fitted only on the right side and a direction indicator intended to intimate a left hand turn shall be fitted only on the left side of the vehicle and, except as provided in sub-rule (f), every direction indicator shall be so designed and fitted that—

(i) it is not more than four feet behind the base of the windscreen;

(ii) it is not more than six and a half feet above the level of the ground;

(iii) when in operation (except in the case of an electrical indicator of the nature described sub-rule (k) below)—

(1) it temporarily alters the outline of the vehicle to the extent of at least six inches measured horizontally, and

(2) it remains steady;

(iv) the driver of the vehicle when in his driving seat may be readily aware that it is operating correctly:

Provided that clause (1) shall not apply in case of a pillar-less saloon motor car if the direction indicated is not situated behind the widest part of the body

(e) *Pillar-less saloon cars definition.*—For the purpose of these rules a “pillar-less saloon motor car” means a motor vehicle which is constructed solely for the carriage of passengers and their effects and is adapted to carry not more than seven persons exclusive of the driver and which has—

(a) an enclosed body with four doors; and

(b) no vertical dividing pillar between the doors on either sides of the vehicle.

(f) *Additional direction indicators.*—Additional direction indicator in the form specified in sub-rule (b) may be fitted at the rear of any vehicle; provided that—

(i) they are only used co-incidentally with those fitted in accordance with the provisions of sub-rule (d), and

(ii) they are visible at a reasonable distance from any point in the rear of the vehicle.

(g) *Position of stop-light*—Every stop-light shall be fitted at the rear of the vehicle and not to the left or the centre thereof and when in operation shall show a red or amber light:

Provided that nothing in this rule shall prevent the fitting of a duplicate stop-light on the left side of the vehicle which comes into operation at the same time as the stop-light fitted at the centre or on the right side of the vehicle.

(h) *Lights to be diffused.*—Every light shown by a direction indicator or a stop-light shall be diffused by means of frosted glass or other adequate means. But nothing in this sub-rule applies to an electrical direction indicator of the nature described in sub-rule (k) below.

(i) *To be capable of being readily operated.*—Every direction indicator and every stop-light shall be such as to be readily operated by the driver of the motor vehicle at all times when sitting in a normal driving position.

(j) *When direction indicator necessary.*—If in any motor vehicle the seat for the driver is so situated that the driver cannot effectively give the manual signals prescribed in the eleventh schedule to the Act, the vehicle shall be fitted with a mechanical or electrical direction indicator in the manner specified in this rule.

(k) Notwithstanding anything contained in sub-rule (b) or (h) or clause [iii] of sub-rule (d) above, an electrical direction indicator may, if it is so desired, consist of a fixed glass panel which is illumi-

nated to indicate the turn by a flash light, provided the other provisions of this rule, that is, the provisions other than those contained in sub-rule (b) or (h) or clause (iii) of sub-rule (d) are complied with, and provided the following further conditions are satisfied:—

[i] The light shall flash at a rate not less than 60 and not more than 120 flashes per minute:

[ii] The minimum illuminated area of the lamp shall be—

(1)  $3\frac{1}{2}$  square inches, in the case of vehicles with unladen weight not exceeding 2 tons, not used for drawing a trailer except a trailer of less than 4 wheels or a 4 wheeled trailer having two closed coupled wheels on each side;

(2)  $3\frac{1}{2}$  square inches, in the case of vehicles adapted solely for the carriage of seven persons excluding the driver and baggage, not used for drawing a trailer except a trailer as aforesaid; and

(3) 12 square inches in all other cases;

(iii) The indicator shall project outside of the vehicle, on that side to which the turn is to be taken; and

(iv) The illuminated surface shall be visible both from the front and from the rear”.

176 *Wings*.—(1) Every motor vehicle, except a locomotive, a tractor, or a trailer, shall unless adequate protection is afforded by the body of the motor vehicle, be provided with suitable wings.

(2) The rear wheels of a trailer, except a trailer drawn by a locomotive, shall be provided with suitable wings.

(3) This rule shall not apply to any motor chassis upon which a body is not yet built.

177. *Side car wheel*.—The side car of every motor cycle shall be attached to the left hand side of the motor cycle. The wheel of the side car shall not be wholly outside lines drawn at right angles to the motor cycle from the extreme front and rear points of the motor cycle.

178. *Communication with driver*.—Every motor vehicle for the use of passengers in which the driver's seat is separated from any passenger's compartment by a fixed partition shall be furnished with efficient means to enable the passengers and the conductor, if any, to signal to the driver to stop the vehicle.

#### SPECIAL RULES APPLICABLE TO ALL PUBLIC SERVICE VEHICLES.

179. *General*.—Every public service vehicle, and all parts thereof including paintwork or varnish, shall be maintained in a clean and sound condition, and the engine mechanism and all working parts in reliable working order.

180. *Stability—double-decked vehicles*.—(a) A double-decked public service vehicle shall not be liable to be overturned when loaded with weights of 120 pounds per person placed in the correct relative positions to represent the driver and conductor (if carried)

and a full complement of passengers on the upper deck only, if the surface on which the vehicle stands were tilted to either side to an angle of 28 degrees from the horizontal.

(b) *Single-decked vehicles*.—A single-decked public service vehicle other than a motor car shall not be liable to be overturned under any conditions of load, at an allowance of 120 pounds per passenger, plus the maximum weight of luggage and goods which the vehicle is permitted to carry, if the surface on which the vehicle stands were tilted to either side to an angle of 35 degrees from the horizontal.

(c) *Tests of stability*.—For the purpose of conducting tests of stability of a public service vehicle the height of any stop used to prevent a wheel of the vehicle from slipping sideways shall not be greater than two-thirds of the distance between the surface upon which the vehicle stands before it is tilted, and that part of the rim of that wheel which is then nearest to such surface when the wheel is loaded in accordance with the requirements of sub-rules (a) and (b).

181. *Side overhang*.—In the case of a vehicle used as a stage carriage, no part of the vehicle other than a direction indicator, when in operation, or a driving mirror shall project laterally more than fourteen inches beyond the centre line of the rear wheels in the case of single-rear wheels or more than six inches beyond the extreme outer edge of the outer tyre in the case of dual-rear wheels.

182. *Seating room*.—In every public service vehicle other than a motor cab there shall be provided for each passenger a reasonably comfortable seating space of not less than *fifteen inches* square measured on straight lines along and at right angles to the front of each seat, and

(i) when the seats are placed along the vehicle, the backs of the seats on one side shall be at least fifty-four inches distant from the backs of the seats on the other side;

(ii) when the seats are placed across the vehicle and are facing in the same direction there shall be everywhere a clear space of not less than twenty-seven inches between the backs of the seats;

(iii) when the seats are placed across the vehicle and are facing each other there shall be a clear space, excluding padding and upholstery between the surface of any portion of the seat against which the back of the passenger is to rest and the surface of the corresponding portion of the seat facing it, of a minimum width of four feet one inch and a clear space, excluding padding and upholstery between the fronts of facing seats, of minimum width of one foot seven inches.

(iv) where the seats are placed lengthwise, and facing each other, the surface of any portion of the seat against which the back of the passenger is to rest shall be at least fifty-four inches from the surface of the corresponding portion of the seat facing it.

183. *Projection of seats beyond floor space.*—Every stage carriage shall have a body of the saloon type :

Provided that this rule shall not apply to any stage carriage registered on or before the coming into force of these rules.

184. *Gangways* --(1) In every compartment of every public service vehicle, the entrance to which compartment is from the front or rear, there shall be a gangway along the vehicle, and

(i) where seats are placed along the sides of the vehicle, there shall be as gangway a clear space of not less than twenty-four inches measured between the fronts of the seats;

(ii) where seats are placed across the vehicle there shall be as gangway a clear space of not less than fourteen inches between any part of adjoining seats or their supports and,

(iii) Where seats are placed, some along the sides of the vehicle and some across the vehicle, there shall be such gangway or gangways as the State Transport Authority may determine in each particular case.

(2) Where the vehicle has seats across the full width of the body with separate doors to each seat, a gangway from front to rear of the vehicle shall not be required.

185. *Limit of seating capacity.*—Subject to the provisions of rule 182, regarding seating accommodation, the number of passengers excluding the driver and conductor that a public service vehicle may be permitted to carry, shall not exceed the number determined by dividing by one hundred and thirty the difference in pounds between the registered laden weight less two hundred and forty pounds and the unladen weight of the vehicle.

186. *Driver's seat.*—(a) (i) No. public service shall be driven otherwise than from the right hand side of the vehicle.

(ii) The State Transport Authority may, by order in writing, direct that nothing in clause (i) of sub-rule (a) and in sub-rules (b), (c) and (d) in regard to and consequent upon the provision requiring that the vehicle shall be driven from the right hand side, shall apply to a public service vehicle or a specified class of public service vehicles fitted with left hand steering control and obtained through the Disposals Organisation of the Central Government.

(iii) Where a registering authority registers a public service vehicle in respect of which, or belonging to a class in respect of which, an order under clause (ii) has been made, he shall note in the certificate of registration the fact that nothing in clause (i) of sub-rule (a) and in sub-rules (b), (c) and (d) in regard to and consequent upon the provision requiring that the vehicle shall be driven from the right hand side shall apply to the vehicle

(b) (i) On every public service vehicle space shall be reserved for the driver's seat such as to allow him to have complete control of the vehicle and in particular—

(1) the part of the seat against which the driver's back rests shall not be less than eleven inches from the nearest point on the steering wheel;

(2) the width across the vehicle shall not be less than twenty-seven inches and shall extend to the left of the centre of the steering column in no case less than ten inches and so that a line drawn parallel to the axis of the vehicle through the centre of any gear lever, brake lever or other device to which the driver has to have frequent access lies not less than two inches inside the width reserved for the driver's seat, and

(3) in the case of a public service vehicle other than a motor cab, the space reserved in accordance with paragraph (2) shall at the left hand end be enclosed with a suitable partition to a height not less than twelve inches above the seat.

(ii) Arm rests for the driver not more than four inches wide may be provided within the space specified in paragraph (2) of clause (i).

(c) No. public service vehicle shall be so constructed that any person may sit or any luggage may be carried on the right hand side of the driver.

(d) Every public service vehicle shall be so constructed that, save for the front pillar of the body, the driver shall have a clear vision both to the front and through an angle of 90 degrees to his right hand side. The front pillar of the body shall be so constructed as to obstruct the vision of the driver to the last possible extent.

187. *Width of the doors.*—Every entrance and exit of a public service vehicle other than a motor cab shall be at least twenty one inches in width and of sufficient height :

Provided that this provision shall not apply to vehicles of the open type in which the seats are not enclosed by the body of the vehicle.

188. *Grab Rail.*—(i) A grab rail shall be fitted to every entrance or exit, other than an emergency exit, of a public service vehicle other than a motor cab.

(ii) This rule shall not apply to a vehicle registered before the coming into force of these rules.

189. *Steps.*—(a) In every public service vehicle other than a motor cab, the top of the tread of the lowest step for any entrance or exit, other than an emergency exit, shall not be more than 17 inches or less than 10 inches above the ground when the vehicle is empty. All steps shall be fitted with non slip treads. Fixed steps shall not be less than nine inches wide and shall in no case project laterally beyond the body of the vehicle unless they are so protected that they are not liable to injure pedestrians.

(b) *Steps in double-decked vehicles.*—In the case of a double-decked vehicle,—

(i) the risers of all steps leading from the lower to the upper deck shall be closed and no unguarded aperture shall be left at the top landing board ;

(ii) all steps leading from the lower to the upper deck shall be fitted with non-slip treads ;

(iii) the horizontal distance from the nearest point of the riser of the top step to the vertical line passing through the nearest point of the seat opposite to the top tread of the staircase, excluding any grabrail which does not project more than three inches from the back of the seat shall not be less than 26 inches; and

(iv) the outer stringer of an outside staircase shall be so constructed, or a band shall be so placed, as to act as a screen to persons ascending or descending and the height of the outer guardrail shall not be less than three feet and three inches above the front of the tread of each step.

(c) *Exemption.*—Sub-rules (a) and (b) shall not apply to a vehicle registered before the coming into force of these rules.

190. *Cushions.*—Where the seats of a public service vehicle are provided with cushions, the cushions shall be covered with suitable material capable of being kept in a clean and sanitary condition.

191. *Head Room.*—(a) (1) The internal height or headroom of every single-decked public service vehicle with a permanent top, other than a motor cab, shall be measured along the centre of the vehicle from the top of the floor boards or battens to the underside of the roof supports, and shall be not less than four feet and six inches and not more than six feet :

Provided that the State Transport Authority may specify the measurements, within the above limits, to which public service vehicles or particular types of public service vehicles or particular types of public service vehicles, shall conform, either generally or in specific areas.

(2) This rule shall not apply to a vehicle registered before the coming into force of these rules.

(b) *Body dimensions guard rails.*—Every public service vehicle other than a motor cab shall be so constructed that—

(i) in the case of a single-decked vehicle with an enclosed body—

(1) the height of the body sides from the floor or the height to the sills of the windows, as the case may be, shall not be less than 2 feet and 4 inches, and

(2) if the bottom of any window or other opening is less than 18 inches above the seat, provision shall be made by means of guardrails or otherwise to prevent passengers putting their arms out;

(ii) in the case of a single-decked vehicle with open sides, guard rails shall be provided along the right hand side of the vehicle to prevent any person other than the driver from mounting or alighting from the vehicle on that side; and

(iii) in the case of a double-decked vehicle with an uncovered top-deck, the top-deck shall be provided with side and end rails the top of which shall be at least three feet above the deck boards or battens at the sides and 18 inches above the highest part of any seat and the top of the front and back rails shall be at least three feet and three inches above the deck boards and battens and shall follow the camber of the deck.

(c) Sub-rule (b) shall not apply to a vehicle registered before the coming into force of these rules.

(d) For the purpose of sub-rule (b), the seat-back shall not be deemed to be a part of the seat.

(e) Overall length—the overall length of a public service vehicle shall not exceed twenty-seven feet and six inches unless directed otherwise specially or generally by the Government or the State Transport Authority.

192. *Protection of passengers from weather.*—(a) Every public service vehicle other than a motor cab shall be constructed with a fixed and water-tight roof and every motor cab shall be either constructed with a fixed and water-tight roof or equipped with a water-tight hood that may be raised or lowered as required.

(b) Every public service vehicle shall have suitable windows, venetians or screens capable at all times of protecting the passengers from the weather without preventing adequate ventilation of the vehicle. When the screens are made of fabric they should be capable of being fastened securely to the vehicle.

(c) Luggage carried on the outside of a State carriage shall be protected in wet weather by a suitable waterproof covering. The covering shall be securely fastened so as to prevent flapping.

193. *Internal*—Every public service vehicle, other than a motor cab, shall be furnished with one or more electric lights adequate to give reasonable illumination throughout the passengers' compartment or compartments but of such power or so screened as not to impair the forward vision of the driver.

194. *Body construction.*—The body of every public service vehicle shall be soundly constructed to the satisfaction of a Regional Transport Authority and shall be securely fastened to the frame of the vehicle.

195. *Fuel tank.*—(a) No fuel tank shall be placed in any public service vehicle under any part of any gangway which is within two feet of any entrance or exit of a single-decked vehicle or the lower deck of a double-decked vehicle.

(b) The fuel tank of every public service vehicle shall be so placed that no overflow therefrom shall fall upon any wood work or accumulate on any part of the vehicle.

196 *Carburettors*.—In every public service vehicle any carburettor and apparatus associated therewith shall be so placed and shielded that no fuel leaking therefrom shall fall upon any part or fitting that is capable of igniting it or into any receptacle where it might accumulate.

197. *Exhaust pipe*.—The exhaust pipe of every public service vehicle shall be so fitted or shielded that no inflammable material can be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle.

198. *Electric wires*.—All electric wires or leads shall be adequately insulated.

199. *Fire extinguishers*.—(a) With the previous sanction of the Government, the State Transport Authority may as a condition precedent to the grant of permits require all public service vehicles in any specified area to be equipped with a fire extinguishing apparatus of a type specified by it and may require that such fire extinguishing apparatus shall be inspected at such periods and by such persons as it may specify.

(b) With the previous sanction of the State Transport Authority, a Regional Transport Authority may as a condition precedent to the grant of a permit require any public service vehicle or any class of public service vehicles to be equipped with a fire extinguishing apparatus of a type specified by it and may require that such fire extinguishing apparatus shall be inspected at such periods and by such persons as it may specify.

200. *Locking of nuts*.—All moving parts of every public service vehicle and all parts subject to severe vibration connected by bolts or studs and nuts shall be fastened by some efficient device so as to prevent them working or becoming loose.

201. *Floor Boards*.—(1) The floor boards of every public service vehicle shall be so fitted as to exclude as far as possible draughts and dust.

(2) The floor boards shall not be pierced save for the purpose of drainage.

202. *Spare Wheels and Tools*.—(a) (i) Save as otherwise specified by a Regional Transport Authority in respect of municipal areas, every public service vehicle shall at all times be equipped with at least one spare wheel or rim fitted with a pneumatic tyre ready inflated, and mounted in such a way that it can be readily dismounted.

(ii) Clause (i) of sub-rule (a) shall not apply to a public service vehicle during the completion of any journey during which it has been necessary to bring the spare wheel or rim and tyre into use.

(b) Every public service vehicle shall at all times be furnished with an efficient jack and other tools necessary to change a wheel or rim and tyre and with the equipment necessary to repair a puncture.

203. *Prohibition or painting or marking in certain manner.*—

(1) No advertising device, figure or writing shall be exhibited on any public service vehicle save as may be specified by the Regional Transport Authority by general or specific order.

(2) A public service vehicle when regularly used for carrying Government Mail by, or under a contract with, the Indian Posts and Telegraphs Department, may exhibit in a conspicuous place upon a plate or a plain surface of the motor vehicle the word 'Mail' in red colour on a white ground, each letter being not less than six inches in height and of a uniform thickness of three-quarters of an inch.

(3) Save as provided in sub-rule (2) no motor vehicle shall display any sign or inscription which includes the word 'Mail'.

#### SPECIAL RULES FOR GOODS VEHICLES

204. *Body and loading platform of goods vehicle.*—Every goods vehicle including a trailer shall be equipped with a strong platform or body so constructed as to be capable of carrying the load for which it is used without danger to other road users and such that the load can be securely packed within or fastened to the body or platform.

205. *Driver's seat in goods vehicle.*—Rule 186 relating to the driver's seat shall apply to every goods vehicle over than a delivery van.

#### SPECIAL RULES APPLICABLE TO TRAILERS.

206. *Overall length.*—(1) The overall length of a trailer (excluding any draw bar) shall not exceed 22 feet.

(2) This rule shall not apply to

(i) a trailer constructed and normally used for the conveyance of indivisible loads of abnormal length;

(ii) any agricultural or road-making implement;

(iii) the trailing part of an articulated vehicle;

(iv) any incompletely assembled or otherwise disabled motor vehicle.

207. *Brakes.* (1) Every trailer fitted with pneumatic tyres which has a registered laden weight exceeding 100 pounds and every trailer not fitted with pneumatic tyres which has an unladen weight exceeding 225 pounds shall have an efficient braking system, the brakes of which are capable of being applied to not less than half the wheels of the trailer.

(2) The braking system shall be so constructed that—

(i) the brakes can be applied either by the driver of the drawing vehicle or by some other person on such vehicle or the trailer, and

(ii) the brakes are capable of being set so as effectually to prevent two at least of the wheels from revolving when the trailer is not being drawn.

(3) This rule shall not apply to—

- (a) any land implement drawn by a motor vehicle ;
- (b) any trailer designed for use and used by a local authority for street cleansing which does not carry any load other than its necessary gear and equipment, and
- (c) any disabled vehicle which is being drawn by a motor vehicle in consequence of the disablement.

208. *Exemption of road plant*—Nothing in rules 152, 155, 156 (b), 156 (e), 158, 159, 153 (a), 155, 156, 160, 168, 169, 171, 174, 175, 177, and 208 shall apply to road rollers and other machines specially constructed or adapted for the construction or maintenance of roads.

#### SPECIAL RULES APPLICABLE TO MOTOR CABS.

209. *Width of tyres*.—(1) Save as provided in sub-rule (2), the width of the tyre of each wheel of a heavy motor vehicle or trailer shall, except in the case of a pneumatic or resilient tyre, be determined by such of the following conditions as may apply to the circumstances of the case ;

(a) the width shall in no case be less than five inches, or, in the case of a trailer, three inches ;

(b) the width shall not be less than that number of half inches which is equal to the number of units obtained by dividing the axle-weight of the axle to which the wheel is attached by the appropriate unit of axle-weight as specified in sub-rule (2).

(2) The unit of permissible axle-weight shall vary according to the diameter of the wheel and the rule set forth in the subjoined, that is to say—

(i) if the wheel is three feet in diameter, the unit of permissible axle-weight shall be  $7\frac{1}{2}$  cwt;

(ii) if the wheel exceeds three feet in diameter, the unit of permissible axle weight shall be  $7\frac{1}{2}$  cwt. with an addition of weight in the ratio of one cwt. for every foot or part of a foot by which the diameter is increased beyond three feet, and

(iii) if the wheel is less than three feet in diameter, the unit of permissible axle-weight shall be  $7\frac{1}{2}$  cwt. with a deduction of weight in the ratio of one cwt. for every six inches or fraction of six inches by which the diameter is reduced below three feet.

(3) This rule shall not apply to any trailer which does not exceed one ton in weight unladen.

210. *Registered axle-weight determination of*.—( I ) The registered axle-weight of an axle of a vehicle fitted with solid tyres

shall be the number of half inches in the width of the tyres fitted to that axle, multiplied by the unit of axle-weight.

(II) The registered axle weight of any axle of a motor vehicle fitted with solid tyres shall not exceed eight tons, and, in the case of a trailer, shall not exceed four tons.

(III) The total of all the registered axle weights of a motor vehicle fitted with solid tyres shall not exceed twelve tons.

211. *Coupling*.—The coupling by which a trailer is attached to a motor vehicle shall be rigid and so constructed as to bear the strain put upon it, and in no case shall it exceed four feet in length.

#### SPECIAL RULES APPLICABLE TO GAS PRODUCERS INSTALLED IN MOTOR VEHICLES.

212. '*Producer*' defined.—In these rules, otherwise expressly stated "producer" means the whole of the generator, pipes, coolers, filters and accessories necessary for the generation of gas and its supply to the engine.

213. *Conditions of fitting producers to vehicles*.—On and after the coming into force of these rules, no producer shall be fitted to a motor vehicle unless the producer—

(a) has been made by a manufacturer approved in this behalf by the Government ;

(b) is of a type or model approved by, and in accordance with specifications approved by the Government for use on the type of vehicle concerned;

(c) has, affixed to the generator in such a manner as to be clearly visible, a metal plate having legibly displayed upon it the names of the manufacturer, the manufacturer's serial number and the description, name, mark or number assigned to it by Government under sub-rule (1) of rule 215.

214. *Approval how obtained*.—(1) Any person seeking the approval of the Government under rule 213 shall make application, in writing accompanied by duplicate copies of the specifications, of clear drawings or prints of the producer and of the instructions for working it, and shall state the type or model of the motor vehicle, and the size and horse power of the engine, for which the producer is intended,

(2) If so required by the Government, a person who has made, an application under sub-rule (1) shall—

(a) submit the producer to such test in such laboratory or workshop and by such person as the Government may specify, and

(b) furnish at his own expense a vehicle fitted with the producer for such test in the road (including a road journey of not less than 50 miles continuous) as the Government may specify.

215. *Procedure after approval.*—(1) When the Government approves of any type or model of producer, it shall inform the applicant in writing accordingly and shall intimate the description, name, mark or number under which it may be offered for sale.

(2) No person shall sell or offer for sale any producer which does not conform in every material respect to the specification approved by Government on the generator in accordance with clause (c) of rule 213.

(3) A manufacturer who proposes to modify or alter in any way the design or specification of an approved type or model of producer shall, before offering the modified type or model for sale, make application to the Government with particulars of the modification or change proposed and shall obtain the approval of the Government thereto.

(4) Upon receipt of an application under sub-rule (3), the Government may, if it thinks fit, require the modified type or model to be subjected to the tests specified in sub-rule (2) of rule 214.

216. *Government to satisfy that design etc. of producers are according to rules.*—(1) Before according approval to any type or model of producer, the Government shall satisfy itself that the design and construction thereof as proposed are in accordance with the provisions of these rules and in particular that—

(a) the design is reasonably simple and suitable to the type of the vehicle for which it is intended and is such that it can be fitted to the vehicle in a way so as—

(i) not to impede the driver's vision and control of the vehicle;

(ii) not to endanger the convenience and safety of passengers;

(iii) to enable the reasonable distribution of the weight of the producer over the chassis, and

(iv) to enable the fitting in readily accessible places of the filter coolers, pipes and other parts requiring frequent cleaning and attention;

(b) the effective capacity of the generator, hopper and filters is sufficient to provide fuel to propel the vehicle for a distance of not less than 50 miles without recharging its hopper or cleaning the filters;

(c) the producer is capable of providing gas to propel the vehicle by the gas alone along a level road with its full lawful load at a sustained rate of speed of not less than—

(i) in the case of a goods vehicle not being a heavy transport vehicle, 20 m.p.h. ;

(ii) in the case of a goods vehicle, being a heavy transport vehicle, 15 m.p.h. ;

(iii) in any other case, 25 m.p.h. ;

(d) the material and methods of construction specified by the applicant are, save as otherwise declared by the applicant, calculated to withstand fair wear and tear for a period of not less than two years under the normal conditions of working of the type of vehicle for which the producer is intended.

(2) The instructions for the working of the producer shall be subject to the approval of the Government which shall cause to be endorsed thereon a statement of the materials and parts declared by the applicant not to be calculated to withstand two years' fair wear and tear.

217. *Copy of instructions to accompany or sale of producer.*—A copy of the instructions for the working of the producer as approved and endorsed under sub-rule (2) of rule 216 and bearing upon it the particulars specified in clause (c) of rule 213 shall be attached to, or tendered with, every producer offered for sale.

218. *Design of producer.*—Every producer shall be designed, manufactured, fitted and maintained with all reasonable care necessary to prevent damage to the engine of the vehicle to which it is fitted and from fire, gas poisoning, and burns, and in particular—

(a) all gas filters shall be properly fitted and kept clean, and shall not be removed or interfered with in any way likely to cause injury to the engine or the vehicle to which it is fitted;

(b) all pipes, joints, valves and all covers to the hoppers, generators, cooling chambers, filters and other accessories shall be free from gas or air leaks, and

(c) if an escape funnel is fitted to the generator for use during the blowing of air through the generator the mouth of the funnel shall be placed above the level of the roof of the vehicle.

219. *Fixing of producer.*—(1) No part of any producer shall be placed so as to reduce the field of vision of the driver by means of the mirror prescribed in rule 158 or otherwise, or so as to impede the driver in his control of the vehicle.

(2) In a public service vehicle—

(a) no part of the producer shall be placed within the passengers' compartment, and

(b) the generator shall be placed in the rear or at the side, shall be recessed into the passengers' compartment and shall be properly isolated and heat insulated and have the clearance prescribed in rule 220 :

Provided that notwithstanding the provisions of rule 139

(a) the generator and a reserve of fuel not exceeding one hundred and fifty pounds in weight may be carried on a trailer attached to a public service vehicle.

(3) No public service vehicle fitted with a producer shall have any opening or door in the rear end of the vehicle.

(4) In a transport vehicle other than a public service vehicle the generator shall not be placed forward of the rear of the driver's seat and shall be insulated and have the clearance prescribed in rule 220.

220. *Should it not be 'seat'.*—(i) On any motor vehicle, if any part of the generator is so placed as to be within a distance of six inches in horizontal plane from any part of the vehicle, the vehicle shall be insulated from the generator by a sheet of abestos one-eighth of an inch thick, or by such other insulating material as the Government may by general or special order in writing specify in this behalf, not less in height than the height of the generator (including the hopper) and of such a width as—

(a) where the generator is recessed, completely to line the recess, and

(b) where the generator is not recessed, to project for a distance of not less than six inches on either side of the generator.

(2) No part of a generator shall have a clearance between it and the insulating material prescribed in sub-rule (1) of less than two inches.

221. (1) In the case of a goods vehicle the generator may be placed at the rear or side of the vehicle as prescribed for a public service vehicle, or behind the driver's seat.

(2) When the generator is placed behind the driver's cab it shall be adequately enclosed in a separate compartment, and no goods shall be carried in that compartment.

222. *Position of generator.*—No generator and no pipe connecting the generator to the gas filters shall be so placed that the distance between any part of the generator or pipe is less than four feet from the filling point or office of the petrol tank unless the generator or pipe is efficiently screened by an adequate heat insulated partition.

223. *Position of filters and gas coolers.*—On any transport vehicle the filters and gas coolers shall be so placed as to be readily accessible for cleaning at any time.

224. *Producer to be firmly fixed.*—Every part of the producer shall be firmly and securely fixed in place, and all pipes, valves, joints and hopper lids or covers shall at all times be maintained in a gas tight condition.

225. *Instructions for driver or person in charge.*—No driver or other person in charge of a motor vehicle to which a producer is fitted shall—

(a) at any time when there is fire in the generator, cause or allow the vehicle to stop or remain stationary at a distance of less than ten yards from any other motor vehicle, or of less than 20 yards from any petrol pump or place where petrol is supplied in tins ;

(b) at any time when there is fire in the generator, pour petrol or cause or allow petrol to be poured into the petrol tank ;

(c) carry, or cause or allow to be carried, in the vehicle (save in the regular petrol tank thereof) any petrol or other inflammable or explosive substance;

(d) clean or take out the generator at any appointed bus stand or stopping place or within a distance of less than 20 yards from any other motor vehicle, or cause or allow the same to be done by any person ;

(e) where a park, bus stand, or halting place or a part of a park, bus stand or halting place is set a part for vehicles fitted with producers, allow the vehicle to stop or remain stationary in any other park, bus stand or halting place or other part thereof, as the case may be;

(f) place the vehicle or cause or allow it to be placed, in any garage or shed unless the garage or shed is provided with a permanent opening or openings for sufficient ventilation other than doors and windows that may be closed.

226. *Projection of producer.*—(1) The projection of any part of a producer beyond the rear of the vehicle shall be deemed not to be a part of the vehicle for the purposes of rules 171 and 173.

(2) No producer shall be fitted to any motor vehicle in such a way that the vehicle thereby contravenes the provisions of rule 170 or rule 172.

227. Any Officer authorised by Government in this behalf may at any time—

(a) inspect any motor vehicle fitted with a gas producer for the purpose of seeing the producer is of an approved type and is fitted in accordance with these rules, and that the gas filter and other parts are properly cleaned and maintained;

(b) enter into and inspect any premises where producer gas plants are either manufactured or fitted, for the purpose of seeing that the plants manufactured and the materials used in the manufacture thereof are of the approved specifications, and/or that the plant is fitted in accordance with these rules.

228. All applications in respect of the manufacture and approval of gas producers to be installed in motor vehicles should be made to the Secretary to Government in the Transport Department.

229. No certificate of fitness shall be issued or renewed under rule 71 in respect of a vehicle fitted with a gas plant unless the plant, and the fitting of the plant to the vehicle, have been inspected, tested and passed by an officer authorised by Government under rule 227 and the certificate has been endorsed by him to this effect.

No fee is payable for this inspection.

## CHAPTER VI.

## CONTROL OF TRAFFIC.

230. *Powers of Transport Authority to restrict speeds, weight etc.*—A Regional Transport Authority shall have the power subject to the control of the State Transport Authority.

(i) to impose speed limits;

(ii) to impose limits on the laden weight or dimensions of motor vehicles, and to prohibit or restrict the use of motor vehicles generally or of a particular class or of trailers in a specified area or in respect of any road, provided that no such limits or restrictions shall be imposed without the specific concurrence of the State Transport Authority, and

(iii) to designate any road as a main road.

231. *Authorities empowered to erect traffic signs.*—(a) A Regional Transport Authority shall be the authority authorised to cause or permit traffic signs to be placed or erected in any public place for the purpose of regulating motor vehicle traffic within its region.

(b) Any authority empowered to specify the maximum safe load for bridge or culvert or to close a public road or street may also for the purpose of exercising the said power erect the appropriate traffic signs.

## Notes

Sub-section (1) of section 75 vests the State Government or any other authorised Authority with the power to erect traffic signs. This rule authorises Regional Transport Authority in this behalf.

232. *Weighing of vehicles.*—(a) Any officer referred to in sub-rule (b) may, if he has reason to believe that a goods vehicle is being used in contravention of any laden weight restriction imposed by competent authority, require the driver to convey the vehicle to a weighing device, if any, within a distance of one mile from any point on the forward route, or within a distance of five miles from the destination of the vehicle, for weighing, direct the driver to convey the vehicle to a suitable place to be specified in the notice, where facilities exist for the storage of goods and not to remove the vehicle from that place until the laden weight or axle weight has been reduced so that it complies with such restrictions.

(b) Transport Officers and Police Officers not below the rank of Sub-Inspector and Inspector of Motor Vehicles are authorised to require the weighing of goods vehicles and trailers.

## Notes

Sub-section (1) of section 73 requires that any person authorised in this behalf may have a vehicle weighed under Certain Circumstances. This rule meets the requirements of sub-section (1) of section 73 of the Act.

233. *Officers empowered to demand production of registration certificates.*—Transport Officers not below the rank of an Inspector Motor Vehicles and Police Officers not below the rank of a Sub-

Inspector are authorised to demand the production of the certificate of registration of any vehicle, and, where the vehicle is a transport vehicle, the certificate of fitness.

*Notes*

This rule has been framed in Compliance of sub-section (2) of section 86 of the Act.

234. *Officers empowered to demand information.*—Police Officers not below the rank of a Sub-Inspector are authorised to demand from the owner of a motor vehicle the driver of which is accused of any offence under the Act all information regarding the name and address of and the licence held by the driver which is in his possession or could by reasonable diligence be ascertained by him.

*Notes.*

Section 88 requires that an authorised police officer can demand information when the owner or the driver is accused of an offence under the Act.

235. *Officers empowered to inspect vehicles involved in accident.*—Transport Officers not below the rank of an Inspector of Motor Vehicles and Police Officers not below the rank of a Sub-Inspector are authorised to inspect any motor vehicle involved in an accident and for that purpose to enter at any reasonable time any premises where the vehicle may be to remove the vehicle for examination.

*Notes.*

The authorisation in this rule is in pursuance of section 90 of the Act.

236. *Vehicles abandoned on the road—removal and custody* —  
(a) If any motor vehicle is allowed to stand in any place other than a duly appointed parking place in such a way as to cause obstruction to traffic or danger to any person, any police officer may—

(i) forthwith cause the vehicle to be moved under its own power or otherwise to the nearest place where the vehicle will not cause any obstruction or danger;

(ii) unless it is moved to a position where it will not cause obstruction or danger, take all reasonable precautions to indicate the presence of the vehicle, and

(iii) if the vehicle has been stationary in one place for a continuous period of twenty-four hours and adequate stops have not been taken for its repair or removal by the owner or his representative remove, the vehicle and its contents to a place of safe custody.

(b) *Vehicles abandoned on the road.*—If a motor vehicle remains in any public place without a driver or the person in charge and a Police Officer or Transport Officer has reason to believe that the vehicle is in danger of being damaged by reason of the absence of the driver or other person in charge such officer may take charge of the vehicle and remove it or cause it to be removed to any place of safe custody.

(c) *Vehicles in parking place—removal.*—If a motor vehicle has been stationary in a duly appointed parking place for a period exceeding that specified by competent authority in respect of the

said place; or, if no such period has been specified, for a period exceeding six hours, any Transport or Police Officer may remove the vehicle to a place of safe custody.

(d) *Payment of removal.*—Notwithstanding any fine or penalty which may be imposed upon any person upon conviction for the contravention of the provisions of section 81 of the Act or of any regulations made by a competent authority in relation to the use of duly appointed parking places, the owner of the motor vehicle or his heirs or assigns shall be liable to make good any expense incurred by any Transport or Police Officer in connection with the moving, lighting, watching or removal of a vehicle or its contents in accordance with sub-rules (a), (b) and (c) and any Transport Officer or Police Officer or any person into whose custody the vehicle has been entrusted by any such officer, shall be entitled to detain the vehicle until he has received payment accordingly and shall, upon receiving such payment, give a receipt to the person making the payment.

237. *Weighing devices—use and installation of.*—(a) A weighing device for the purpose of section 73 of the Act may be—

(i) a weigh-bridge installed and maintained at any place by or under the orders of the Government or a local authority;

(ii) a weigh-bridge installed and maintained by any person and certified by the registering authority to be a weighing device for the purpose of the Act and these rules; or

(iii) a portable wheel-weigher of any kind approved by the Government.

(b) *Weighing of vehicle—driver to manipulate vehicles.*—The driver of any goods vehicle shall upon demand by a competent authority so drive and manipulate the vehicle as to place it or any wheel or wheels thereof, as the case may be, upon any weigh-bridge or wheel-weigher in such a manner that the weight of the vehicle or the weight transmitted by any wheel or wheels may be exhibited by the weigh-bridge or wheel-weigher.

(c) *Action on failure of driver to manipulate.*—If the driver of a motor vehicle fails within a reasonable time to comply with a requisition under sub-rule (b) a person authorised under section 73 of the Act or under sub-rule (b) of rule 232 may cause any person, being the holder of a licence authorising him to drive the vehicle, so to drive and manipulate the vehicle.

(d) *Statement of weight.*—On weighing a vehicle in accordance with section 73 of the Act and these rules the person who has required the weighing or the person in charge of the weighing device shall deliver to the driver or other person in charge of the vehicle, a statement in writing of the weight or the vehicle and of any axle, of which the weight is separately determined.

#### Notes.

This rule has been framed for the purpose of section 73 of the Act which requires that,

(1) Any person authorised in this behalf by the State Government may, if he has reason to believe that a goods vehicle or trailer is being used in contravention of section 72, require the driver to convey the vehicle to a weighing device, if any, within a distance of one mile from any point on the forward route or within a distance of five miles from the destination of the vehicle for weighing; and if on such weighing the vehicle is found to contravene in any respect the provisions of section 72 regarding weight, he may, by order in writing, direct the driver to convey the vehicle or trailer to the nearest place, to be specified in the notice, where facilities exist for storage of goods, and not to remove the vehicle or trailer from that place until the laden weight [\* \*] has been reduced or the vehicle has otherwise been treated so that it complies with section 72.

(2) Where any excess goods are removed from any goods vehicle or trailer for storage under sub-section (1) such person as may be authorised in this behalf by the State Government shall cause a notice in writing to be served on the owner of the vehicle or trailer, as the case may be, requiring him to remove the goods within the time to be specified in the notice and if the owner of the vehicle or trailer refuses or fails to remove the goods within the time specified, the authorised person may sell the goods by public auction and the balance of the sale proceeds, after deducting therefrom the charges for the storage of the goods and the costs incidental to the sale, shall be paid to the owner of the vehicle or trailer, as the case may be:

provided that where the excess goods removed are of a perishable nature, the sale can be held immediately after causing the notice to be served on the driver of the vehicle or trailer.

238. *Ghat roads—restriction on driving with gear disengaged.*—On any ghat road and elsewhere on any hill, marked by traffic sign No. 10 of Part B of the Ninth Schedule to the Act, no person shall drive a transport vehicle with the engine free, that is to say, with the gear level in neutral, the clutch lever depressed or with any free wheel or other device in operation, which frees the engine from the driving wheels and prevents the engine from acting as a brake when the vehicle is travelling down on an incline.

*Explanation* :—“Ghat or Hill road” means a road notified in the Rajasthan Gazette as such by the Government and indicated by a notice board erected at each end of such road.

#### Notes.

Section 74 of the Act authorises the prohibition or restriction of the driving of motor vehicles on specified area or a specified road. This rule has been framed in pursuance of this authority.

239. *Prohibition of mounting or dismounting when vehicle is in motion.*—(a) No person shall mount or attempt to mount on, or dismount from, any motor vehicle, other than a motor cycle, when the motor vehicle is in motion, nor shall the driver or person in charge of such vehicle permit any person to do so.

(b) *Prohibition of taking hold of vehicle in motion.*—No person shall take hold of, and no driver of a motor vehicle shall cause or allow any person to take hold of, any motor vehicle when in motion for the purpose of being towed or drawn upon some other wheeled vehicle or otherwise.

240. *Towing.*—(a) No vehicle other than mechanically disabled or incompletely assembled motor vehicle, a registered trailer or a side car shall be drawn or towed by any motor vehicle.

(b) *Licensed driver to be in drawn vehicle.*—No motor vehicle shall be drawn or towed by any other motor vehicle unless there is in the driver's seat of the motor vehicle being drawn or towed a person holding a licence authorising him to drive the vehicle or unless one axle of the motor vehicle being towed is firmly and securely supported clear of the road surface by some crane or other device on the vehicle which is drawing or towing it.

(c) *"On tow" to be displayed.*—When a motor vehicle is being towed by another motor vehicle, the clear distance between the rear of the front vehicle, and the front of the rear vehicle shall at no time exceed fifteen feet. Steps shall be taken to render the tow rope or chain easily distinguishable by other users of the road, and there shall be clearly displayed on the rear of the vehicle being towed in black letters not less than three inches high and on a white ground the words "On Tow":

Provided that no person shall be liable to be convicted for the contravention of the rule for failure to display the words "On Tow", if the motor vehicle which is towing the other is not a motor vehicle adapted and ordinarily used for the purpose and so long as the vehicle is being towed between the place of the breakdown and the nearest place on the route at which the necessary materials can be obtained.

(d) *Speed of towing vehicle.*—No motor vehicle when towing another vehicle other than a trailer or side-car shall be driven at a speed exceeding fifteen miles per hour.

241. *Foot-paths, cycle tracks and traffic segregation.*—Where any road or street is provided with foot-paths or tracks reserved for cycles or specified classes of other traffic, no person shall, save with the sanction of a Police Officer in uniform drive any motor vehicle or cause or allow any motor vehicle to be driven on any such foot-path or track.

242. *Load projection of.*—(a) Nothing shall be placed or carried upon the outside of the roof of a double-decked public service vehicle.

(b) No person shall drive, and no person shall cause or allow to be driven, in any public place any motor vehicle which is loaded in a manner likely to cause danger to any person or in such a manner that the load or any part thereof or anything extends—

(i) laterally beyond the side of the body or beyond a vertical plane in prolongation of the side of the body;

(ii) to the front beyond the foremost part of the vehicle;

(iii) to the rear to a distance exceeding five feet beyond the rearmost part of the vehicle excluding any luggage carrier; and

(iv) in height by a distance which exceeds eleven feet from the surface upon which the motor vehicle rests.

(c) *Precaution with goods vehicle with projecting load.*—Clause (iii) of sub-rule (b) shall not apply to a goods vehicle when loaded with any pole or other projecting thing so long as—

(i) the projecting load falls within the limits of the body of a trailer being drawn by the goods vehicle; or

(ii) the distance by which the pole or other thing projects beyond the rearmost point of the vehicle does not exceed five feet; and

(iii) there is attached to the rear of such pole or other thing in such a way as to be clearly visible from the rear—

(1) during the period between half an hour before sunrise and half an hour after sunset, a red flag of dimensions not less than 2 feet by 2 feet; and

(2) at other times, a lamp, in addition to the prescribed lamps on the vehicles, so arranged as to show a red light to the rear.

(d) *Authority competent to exempt.*—The Transport Commissioner or Regional Transport Officer may with the concurrence of the Regional Transport Authority by order in writing exempt any motor vehicle, for such a purpose, for such period, and subject to such conditions as he may specify, from any or all the provisions of sub-rules (b) and (c).

243. *Dangerous substances—restrictions as to carriage of.*—

(a) Except for the fuel and lubricants necessary for the use of the vehicle, no explosive, highly inflammable or otherwise dangerous substance, shall be carried on any public vehicle unless it is so packed that even in the case of an accident to the vehicle, it is unlikely to cause damage or injury to the vehicle or persons carried thereon.

(b) *Authority to remove explosive from vehicle.*—If in the opinion of any Transport Officer not below the rank of an Inspector of Motor Vehicles or any Police Officer not below the rank of a Sub-Inspector any public service is at any time loaded in contravention of sub-rule (a) he may order the driver or other person in charge of the vehicle to remove or repack the explosive or inflammable or otherwise dangerous substance.

244. *Sound signals—restrictions on use of.*—(a) No driver of a motor vehicle shall sound the horn or other device for giving audible warning, with which the motor vehicle is equipped, or shall cause or allow any other person to do so, to an extent beyond that which is reasonably necessary to ensure safety.

(b) *Authority to prohibit sound signals.*—The Transport Commissioner or the District Magistrate may by notification in the Rajasthan Gazette and by the erection in suitable place of traffic sign No. 7 as set forth in Part A of the Ninth Schedule to the Act, prohibit the use of any horn, gong or other device on a motor vehicle for giving audible warning within such locality and during such hours as may be specified in the notification:

Provided that when the Transport Commissioner or the District Magistrate, as the case may be, prohibits the use of any horn, gong or other device for giving audible warning during certain specified hours, he shall cause a suitable notice setting forth the hours within which such use is so prohibited to be affixed below the traffic signs.

245. *Cut-outs—prohibition of.*—No driver of a motor vehicle shall in any public place make use of any cut-out or other device by means of which the exhaust gases of the engine are released, save through the silencer.

246. *Dazzling lights—restriction of.*—(1) The driver of a motor vehicle shall at all times when the lights of the motor vehicle are in use so manipulate them that danger or undue inconvenience is not caused to any person by dazzle;

(2) The Transport Commissioner or the District Magistrate may by notification in the Rajasthan Gazette and by the erection of suitable notice in English and in Hindi prohibit the use, within such areas or in such places as may be specified in the notification, of direct head lights.

247. *Use of lamps when a vehicle is at rest.*—(a) If within the limits of any municipality, a motor vehicle is at rest within the hours during which lights are required, at the lefthand side of any road or street or elsewhere in any duly appointed parking place, it shall not be necessary for the motor vehicle to exhibit any light save as may be required generally or specifically by the District Magistrate.

(b) Outside the limits of any Municipality if a motor vehicle is at rest within the hours during which lights are required in such a position as not to cause danger or undue inconvenience to other users of the road, it shall not be necessary for the motor vehicle to display any lights.

248. *Visibility of lamps and registration marks.*—(a) No load or other thing shall be placed on any motor vehicle so as at any time to mask or otherwise interrupt vision of any lamp, registration mark or other mark required to be carried by or exhibited on any motor vehicle by or under the provisions of the Act, unless a duplicate of the lamp or mark so masked or otherwise obscured is exhibited in the manner required by or under the Act for the exhibition of the masked or obscured lamp or mark.

(b) *Registration and other marks to be kept in clear condition.*—All registration and other marks required to be exhibited on a motor vehicle by or under the provisions of the Act shall at all times be maintained as far as may be reasonably possible in a clear and legible condition.

249. *Driving mirror—obscuring of.*—No person driving or in charge of a motor vehicle shall—

(i) permit any person to stand or sit, or

(ii) place or permit anything to be placed, in such a manner or position as to obscure the driver's vision either directly or rearward by the mirror referred to in rule 158 ;

Provided that clause (ii) shall not apply to a vehicle fitted with a blind on the rear window when this blind is used during night-time.

250. *Stop sign or road surface.*—(1) When any line is painted on or inlaid into the surface of any road at the approach to a road junction or to a pedestrian crossing or otherwise, no driver shall drive a motor vehicle so that any part thereof projects beyond that line at any time when a signal to stop is being given by a Police or Transport Officer or by means of traffic control lights or by a traffic sign.

(2) A line for the purposes of this rule shall not be less than two inches in width at any part and shall be either in white, black or yellow.

251. *Traffic signs to be observed.*—Every driver of a motor vehicle shall drive the vehicle in conformity with any indication given by a traffic sign, the erection of which is permitted under sub-section (1) of section 75 of the Act.

252. *Prohibition of attachment of trailer to certain vehicles.*—No motor vehicle which exceeds 26 feet in length shall draw a trailer ;

Provided that this rule shall not prohibit such a vehicle from towing a disabled motor vehicle.

253. *Attendants on trailers*—(1) When a motor vehicle draws one or more trailers the following persons, not being less than twenty years of age and competent to discharge their duties, shall be carried, that is to say :—

(a) if the brakes of the trailer or trailers cannot be operated from the motor vehicle,—

(i) one person on every trailer competent to apply the brakes, and

(ii) one person placed at or near the rear of the last trailer in such a position as to have a clear view of the road in rear of the trailer, to signal to the drivers of overtaking vehicles and to communicate with the driver of the drawing motor vehicle ;

(b) if the brakes of the trailer can be operated by some person other than the driver, carried on that vehicle, such other person in addition to the driver shall be carried on that vehicle and one person on the last trailer in accordance with the provisions of subclause (ii) of clause (a) ;

(c) if the trailer is or trailers are being drawn by a locomotive, notwithstanding that the brakes of the trailer or trailers can be operated by the driver or some other person on the locomotive, not less than one person on each trailer and

not less than two persons on the last trailer in train one of whom shall be the person required by the provisions of sub-clause (ii) of clause (a).

(2) *When attendants may be carried on trailer.*—Sub-rule (1) shall not apply—

(i) to any trailer having not more than 2 wheels and not exceeding 1,700 pounds in weight laden when used singly and not in a train with other trailers ;

(ii) to the trailing half of an articulated vehicle ;

(iii) to any trailer used solely for carrying wate for purposes of the drawing vehicle when used singly and not in a train with other trailers;

(iv) to any agricultural or road-making or roadrepairing or road cleaning implement drawn by a motor vehicle;

(v) to any closed trailer specially constructed for any purpose and specially exempted from any or all of the provisions of this rule by an order in writing made by the registering authority, to the extent so exempted , or

(vi) to any trailer specially constructed or adapted for any purpose, upon which an attendant cannot safely be carried.

254. *Distinguishing marks for trailers.*—(1) With effect from the date on which these rules come into force no person shall drive, or cause to be driven, in any public place any motor vehicle unless there is exhibited on the back of the last trailer, a distinguishing mark in white on a black ground in the form set out in the Third Schedule to these rules.

(2) The mark shall be unobscured and shall be so fixed that—

(i) the letter on the mark is vertical and easily distinguishable from the rear of the trailer ;

(ii) the mark is either on the centre or to the right hand side of the back of the trailer, and

(iii) no part thereof is at a height exceeding four feet from the ground.

(3) This rule shall not apply to the cases referred to in clauses (i), (ii), (iii), (iv) and (vi) of sup-rule (2) of rule 253.

255. *Attendant on locomotives.*—Every locomotive shall carry out not less than one attendant, being a competent person of over twenty years of age, in addition to the driver, to assist the driver in the management of the locomotive.

256. *Exemption by Government.*—The Government may by notification in the Rajasthan Gazette exempt to such extent as may be specified in the notification any motor vehicle or class of motor vehicles from all or any of the provisions of the rules contained in this Chapter.

## SPECIAL RULES FOR HEAVY TRANSPORT VEHICLES.

257. *Attendant*.—The driver of a heavy transport vehicle shall be accompanied by an attendant who shall be in a position to give warning of any traffic approaching from the rear.

## SPECIAL RULES APPLICABLE TO PUBLIC SERVICE VEHICLES.

258. *Loading of public service vehicle on ferry boats*.—(a) The driver, conductor, or other person in charge of a public service vehicle, shall cause all passengers to alight before embarking the said public service vehicle on any ferry boat, and shall not allow them to take their places again in the vehicle until it has been disembarked.

(b) Every passenger in a public service vehicle shall, on the request of the driver, conductor, or other person in charge, alight from the vehicle with a view to its being embarked on a ferry boat.

## ADDITIONAL RULES FOR VEHICLES PLYING ON HILL ROADS.

259. *Driving on Hill Roads*.—Nothing contained in rules 40, 41 and 42 shall apply to a person driving a motor vehicle on a ghat or hill road.

260. *Driving at night*.—No person shall drive a motor vehicle on a ghat or hill road at night, unless authorised to do so by the registering authority;

Provided firstly, that in case it becomes necessary, owing to accident, illness or any similar emergency, to drive a motor vehicle at night on a ghat or hill road for the purpose of obtaining assistance or for any similar purpose, the driver shall, as soon as is reasonably possible, report to the nearest police station his name and the number of the vehicle and the name of the owner, together with such other particulars as may be required of him by the officer in charge of the police station :

Provided secondly that, if a motor vehicle breaks down on a ghat or hill road and the driver is unable to complete his journey before night-fall, he shall draw the motor vehicle to the left side of the road and may there effect the necessary repair; after which he may continue his journey at a speed not exceeding the maximum speed, if any, prescribed for such vehicle under section 71 of the Act and in such case he shall further report at the first police station or police outpost at which he may arrive after night-fall his name and the number of his vehicle and his reasons for travelling after night-fall :

Provided thirdly, that in any such case as is mentioned in the second proviso to this rule, if there is no police station or police outpost between the place at which it terminates its journey after repair, the driver shall, on arrival at his destination, report to the nearest police station his name and the number of his vehicle and the reason for travelling after night-fall :

Provided fourthly, that the registering authority may delegate to any army officer not below the rank of a Brigadier, the power to issue a special pass to any commissioned military officer, authorising him when travelling on duty, to drive a light motor vehicle on ghat or hill roads by night in cases of an emergent nature.

261. *Tyres.*—Notwithstanding anything contained in rule 163, no person shall drive any motor vehicle on a ghat or hill road, unless all its wheels are fitted with pneumatic tyres, and, in the case of vehicles of more than six tons weight when laden, with twin pneumatic tyres on the driving wheels;

Provided that the registering authority may exempt any vehicle belonging to a local authority from the provisions of this rule.

262. *Inspection of vehicles.*—If the registering authority, or any Magistrate, or any police officer not below the rank of a Sub-Inspector authorised by the registering authority in this behalf, is of opinion that a motor vehicle which is being driven upon a hill road does not in every respect conform to the provisions of these rules, he may stop the vehicle and inspect it, and the driver or person incharge of the vehicle shall, in such case, comply with any order which the registering authority, the Magistrate, or the police officer so authorised may see fit to give for the purpose of preventing danger or inconvenience to the public, whether by removal of any defect in the motor vehicle or otherwise.

263. *Precedence of ascending vehicles.*—(1) No motor vehicle shall pass another vehicle travelling in the same direction, except at a place where the road is clearly visible to the driver of the overtaking vehicle for at least 200 yards ahead.

(2) When two motor vehicles approach each other from opposite directions at a bridge or culvert or a narrow place on a ghat or hill road, the driver of the motor vehicle proceeding in the downward direction shall give way to a vehicle proceeding in the upward direction. When such approach takes place in a dip or level stretch of road the vehicle on the side of the road from which the hill slopes upward shall give way.

264. *Endorsement of certain driving licences for hill roads.*—Notwithstanding anything contained in rules 5 to 12, no person shall drive a public service vehicle or a goods vehicle on a ghat or hill road, unless his licence to drive such vehicle has been endorsed by a registering authority with a permission to drive the same upon ghat or hill roads situated within the jurisdiction of such registering authority.

265. *Trailers.*—No person shall drive a goods vehicle or heavy motor vehicle, with a trailer attached thereto, on a ghat or hill road, without the special written permission of the registering authority.

## CHAPTER VII

## MISCELLANEOUS.

266. *Payment of fees.*—(1) Fees payable under the Act or these Rules shall—

(i) if the fee does not exceed five rupees, be paid by means of adhesive non-judicial stamps, and

(ii) if the fee exceeds five rupees, be paid into a Government Treasury or into any Bank or branch Bank used as a Government Treasury.

(2) When a fee is paid in stamps, the stamps shall be cancelled by the officer to whom the application along with the fee is presented by writing immediately his full name across such stamps and inserting the date of such cancellation below the name.

267. *Refund of fees.*—(a) Subject to the provisions of sub-rules (b), (c) and (d), and to anything contained in the foregoing rules, the Licensing or Registering Authority concerned or, as the case may be, the Secretary of a Regional Transport Authority or of the State Transport Authority, may on application sanction the refund of—

(i) the full fee paid, where the certificate, licence, permit or badge applied for is refused or the application for the certificate, licence, permit or badge is cancelled or withdrawn by the applicant before the certificate, licence, permit or badge, as the case may be, is actually issued and the transaction completed ; or

(ii) the excess, where the amount paid is in excess of the proper fee.

(b) No refund of fees paid—

(i) for the test of competence to drive ;

(ii) for a certificate of fitness of a transport vehicle, shall be made when the test or the inspection of vehicle in respect of which the certificate was applied for has been carried out.

(c) No refund shall be allowed in respect of the value of stamps affixed to applications or appeals.

(d) No refund of fee shall be made if the application for such refund is not made within three months from the date of credit of the fee to the Government.

268. *Supersession.*—Any rule corresponding to the covered by these rules in force in the Abu, Ajmer or Sunel area are hereby superseded.

## THE FIRST SCHEDULE.

[ See rule 56 ]

Registration marks to be assigned by Registering Authority

1	2	3	
1. Designation of registering authority.	District.	Registration marks.	
		R. J. { followed by a letter allotted to the district* and a number allotted by the Registering Authority.	
*Alwar	A	Jalore	N
Banswara	B	Jhalawar	O
Barmer	C	Jhunjhunu	P
Bharatpur	D	Jodhpur	Q
Bhilwara	E	Kotah	R
Bikaner	F	Nagore	S
Bundi	G	Pali	T
Chittor	H	Sawai Madhopur	U
Churu	I	Sikar	V
Dungarpur	J	Sirohi	W
Ganganagar	K	Tonk	X
Jaipur	L	Udaipur	Y
		Ajmer	Z

2. (i) In case of temporary registration the registration mark shown in column 3 above will be followed by the latter "T"

(ii) In case of Dealers trade registration mark, the registration mark shown in column 3 will be followed by a number of not more than 3 figures and one particular letter of the alphabet assigned in respect of each trade certificate—

(a) In the case of Transport vehicles the registration marks will be shown in Black on a White ground.

(b) In case of temporary registration—in Red on Yellow ground.

(c) In case of Dealers trade registration marks—in White on Blue-Black ground.

(d) In case of vehicles belonging to Rulers of Indian States in—White on Red ground.

(e) In other cases—in White on Black ground.

## "THE SECOND SCHEDULE"

[ See rule 78 (a) ]

Definition of regions constituted for the purpose of section 44 of the Motor Vehicles Act, 1939 (India).

<i>Name of Region</i>	<i>Territorial extent (or boundaries).</i>	<i>Address of the office of the Regional Transport Authority.</i>
1	2	3
Jaipur Region.	Jaipur, Jhunjhunu, Sawai Madhopur, Sikar, Tonk, Alwar, Bharatpur and Ajmer Districts.	Regional Transport Officer, Jaipur.
Jodhpur Region.	Jodhpur, Jalore, Nagaur, Pali, Barmer, Jaisalmer and Sirohi Districts.	Regional Transport Officer, Jodhpur.
Udaipur Region.	Udaipur, Chittorgarh, Dungarpur, Banswara and Bhilwara Districts.	Regional Transport Officer, Udaipur.
Bikaner Region.	Bikaner, Ganganagar and Churu Districts,	Assistant Regional Transport Officer, Bikaner.
Kotah Region.	Jhalawar, Kotah and Bundi Districts.	Assistant Regional Transport Officer, Kotah.

## THE THIRD SCHEDULE.

(See rule 113).

In relation to fixation of hours of work in advance.

<i>Authority.</i>	<i>Employers of drivers of transport vehicles used for the purpose of or in connection with.</i>
(1)	(2)
A regional transport Authority.	1. Any stage carriage operating solely within the region or from the region to another region.

## THE FOURTH SCHEDULE.

(See rule 118 and 119).

Driver's and Conductor's Badges.

## DRIVER'S BADGE.

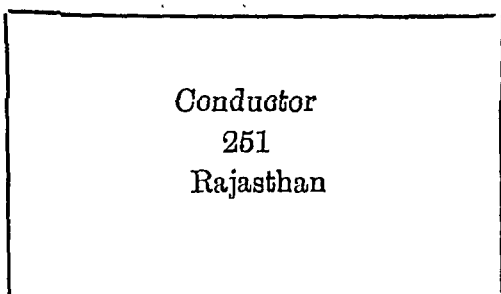
(See rule 118).

Diameter of badge :— $2\frac{1}{2}$  inches.

Number to be in large figures.

## CONDUCTOR'S BADGE.

(See rule 119).

Badge to be rectangular in shape, measuring  $2\frac{1}{2}$ "  $\times$   $1\frac{1}{2}$ ".

## THE FIFTH SCHEDULE.

(See rule 246).

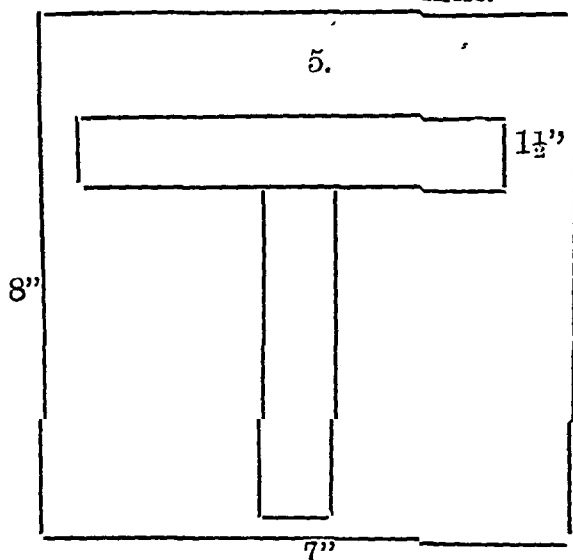
Place where driving with gear disengaged, is prohibited

[ To be filled in by the Government ].

## THE SIXTH SCHEDULE.

(See rule 262).

Distinguishing mark to be exhibited on the rear of a trailer or of the last trailer of a train of trailers.



The dimensions shall not be less than those shown above.

## THE SEVENTH SCHEDULE.

List of hill roads.

(See rule 267).

[ To be filled in by the Government ].

S. No.	Hill Roads.	Remarks.
1.		
2.		
3.		
4.		
5.		
6.		

By Order,  
Secretary to the Government of  
Rajasthan, Transport Department.

## THE EIGHTH SCHEDULE.

S. No.	Description	Amount of fee in rupees	Relevant rule under which the fee is to be charged.
1	2	3	4
1.	Fee for grant of countersignatures of authorisation	5/-	Rule 9
2.	Fee for each test of competence to drive	2/-	Rule 16
3.	Appeal against the order of Licencing Authority	2/-	Rule 20

- |   |       |  |
|---|-------|--|
| 4. Fee for duplicate licence when a Photograph on the licence needs changing  | 5/-   | Rule 28  |
| 5. Fee for duplicate licence when lost or destroyed   | 5/-   | Rule 32  |
| 6. Fee for a duplicate licence when defaced, torn or impounded  | 2/-   | Rule 35  |
| 7. Fee for a learner's licence  | 2/-   | Rule 41  |
| 8. Fee for each renewal of a learner's licence  | 2/-   | Rule 42  |
| 9. (a) Registration fee:—   |       |  |
| (i) motor cycle and invalid carriage  | 5/-   | Rule 60  |
| (ii) heavy transport vehicles   | 32/-  |  |
| (iii) any other vehicle   | 16/-  |  |
| (iv) a trailer  | 5/-   |  |
| (b) Temporary registration  | 2/-   |  |
| (c) Duplicate certificate of registration   | 2/-   |  |
| (d) Fee for registration of transfer of ownership   | 2/-   |  |
| (e) (i) Fee for trade certificate of any number upto ten  | 100/- |  |
| (ii) for each additional number upto five   | 50/-  |  |
| (iii) fee for duplicate copy of trade certificate if lost or destroyed  | 2/-   | for each part and a total of Rs. 10/- for all parts of such a certificate. |
| 10. Fee for assignment of new registration mark, change of address of owner or alteration in the motor vehicle                        | Nil   | Rule 62  |
| 11. Fee for endorsement of a note on an agreement of hire-purchase of certificate of registration in addition to the registration fee | 10/-  | Rule 68 (a)  |
| 12. Fee for recording transfer of ownership in the hire-purchase agreement.   | 5/-   | Rule 68 (a)  |
| 13. Fee for certificate of fitness  | 10/-  | Rule 71 (b)  |
| 14. Fee for renewal of the certificate of fitness   | 5/-   | Rule 71 (b)  |
| 15. Fee for duplicate certificate of fitness if original lost or destroyed.   | 2/-   | Rule 73 (a)  |
| 16. Fee for an appeal against order of the Registering Authority or the order of an Inspector of Motor Vehicles or a Police Officer.  | 2/-   | (in stamps) Rule 75 (a)  |

17.	Fee for a copy of any document or order against which an appeal is made.	1/-	Rule 75 (b)
18.	Fee for grant of a permit	10/-	Rule 89 (a) (i)
19.	Fee for the renewal of a permit	5/-	Rule 89 (a) (ii)
20.	Fee for temporary permit for one region only—		
	(i) First two days	2/-	Rule 89 (b) (i)
	(ii) For every seven days or part thereof thereafter	1/-	
21.	Fee for temporary permit if valid for more than one region—		
	(i) first seven days or lesser period	4/-	Rule 89 (b) (ii)
	(ii) every seven days or part thereof after the first seven days	2/-	
22.	Fee for duplicate copy of a permit—		
	(i) Part A	5/-	Rule 104 (e)
	(ii) Part B (each copy)	2/-	
	(iii) temporary permit	2/-	
23.	Deposit for hearing an appeal against the decision of R.T.A. to S.T.A.	25/-	Rule 108 (b)
24.	Deposit for hearing appeal against the orders of the S.T.A. to the Government	50/-	Rule 107 (b)
25.	Fee for renewal of a conductor's licence	5/-	Rule 115 (g)
26.	Fee for renewal of a conductor's licence	2/-	Rule 115 (g)
27.	Fee for a duplicate conductor's licence if lost or destroyed	2/-	Rule 115 (i)
28.	Fee for the driver's badge of a public service vehicle	1/-	Rule 117 (c)
29.	Fee for duplicate driver's badge if lost or destroyed	2/-	Rule 117 (c)
30.	(i) Fee for conductor's badge	1/-	Rule 118 (c)
	(ii) Fee for the duplicate conductor's badge	2/-	Rule 118 (c)

## FORM LPSA

(Rule 7 of the Rajasthan Motor Vehicles Rules, 1951).

Form of Application for authorisation to drive a public service vehicle  
To

The Licensing Authority,

I apply for an authorisation to drive a public service vehicle within Rajasthan.

I forward herewith the driving licence held by me (No.....)  
Dated, the... .. issued by the licensing authority of ... ..).Name of applicant .... ..  
(In block letters or clear script).

Present Address.... ..

Date.... .. Signature to thumb impression of applicant

## FORM LPS.

(Rule 11 of the Rajasthan Motor Vehicles Rules, 1951).

Form of intimation of grant of authorisation to drive a public service vehicle  
To

The Licensing Authority,

.....

An authorisation to drive a public service vehicle within the  
area of ..... has been issued by me on .. .... in respect  
of driving licence No..... dated, the... .. issued  
by you in favour of .....

Name of holder .....

Father's Name .. ..

Permanent Address.... ..

Present Address... ..

Date ..... 19

Licensing Authority.

## FORM LLD.

Intimation of loss or destruction of licence and application for duplicate.

(Rule 29 of the Rajasthan Motor Vehicles Rules, 1951).

To

The Licensing Authority,

.....

I.... of (Permanent address).....

..... and present address)....

..... (father's name)....

hereby report that driving licence No.....

issued by the Licensing Authority..... on

or about the..... day of..... 19..... has been

lost/destroyed (i) in the following circumstances....

.....

(2) I hereby apply for a duplicate licence and tender Rs.....

by.....

(3) I attach two clear copies of a recent photograph of myself(i)

Date..... 19

Signature or thumb impression of  
applicant.(i) Strike out alternative not required, or strike out the item  
if it is not applicable.(Part I, II and III will be printed on a separate sheet and will be  
used if the application is made to an authority other than the  
original licensing authority).

## PART I

Forwarded to the Licensing Authority.....

..... for verification and completion of Part II.

Date..... 19

..... Licensing Authority.

## PART II.

Returned to the Licensing Authority..... ..

.....  
The photograph and signature/thumb impression (i) have been compared with my records.

No such licence appears to have been issued by this office (i)

I am not satisfied that the applicant was the holder of the licence described (i).

I am satisfied that the applicant was the holder of a licence issued by this office as follows (i):—

(1) Number.....

(2) Date of issue.....19 .

(3) Last renewed by the Licensing Authority.....

(4) Date of expiry.....19 .

(5) Classes of vehicles.....

(6) The licence—

(a) entitled the holder to drive as a paid employee (i);

(b) carried authorization to drive a public service vehicle granted by (i).....;

(c) carried the following endorsements:—

Date.....19 .

Licensing Authority.

(i) Strike out alternative not required or strike out the item if it is not applicable.

## PART III.

Returned to Licensing Authority..... ..  
for record.

A duplicate licence has been issued by me on the day of.....19 , (i) and a copy of the photograph affixed thereto is attached (i).

... I have, in my letter No.... , dated the..... , declined to issue the duplicate licence applied for and I attach a copy of that letter (2).

Date.....19 .

Licensing Authority.

(i) Strike out alternative not required, or strike out the item if it is not applicable.

## FORM LTem.

Temporary authorisation to drive.

(Rule 39 of the Rajasthan Motor Vehicles Rules, 1951).

I have taken possession of the licence hereunder described—

Name of holder.....

Father's name.... ..

Present address.....

No. of licence.... ..

Issued by the Licensing Authority of.....

Date of Expiry.....19 .

Entitling the holder to drive, as a paid employee (1) vehicles of the following classes:—

(1) Authorising the holder to drive a public service vehicle in.....

(2) The holder is hereby exempted from the obligation to produce his licence as long as he is driving in accordance therewith.

(3) This authorisation is valid until the.... day of.....19 , or until the licence has been suspended or cancelled by the competent authority, whichever is sooner.

(2).....

Dated.....19 .

The above authorisation is hereby extended upto the day of.....19 , on the same conditions.

(3).....

Dated.....19 .

(1) Strike out if inapplicable.

(2) Signature and designation of the authority or Court granting the authorisation of extension.

(3) Here fill in (a), (b), (c), etc., as specified in section 8 (2) of the Act.

### FORM L. Lr.

#### Form of learner's licence.

(Rule 40 (i) of the Rajasthan Motor Vehicles Rules, 1951)

Valid in Rajasthan only.

Date.....

No.....

Name.....

Present address.....

Father's name.....

is licensed to drive as a learner, subject to the provisions of rules 40, 41 and 42 of the Rajasthan Motor Vehicles Rules, 1951, a motor vehicle of the following description:—

This licence is valid upto the.....day of 19

Duplicate signature or  
thumb impression  
transferred from  
Form L.Lr. A.

Licensing Authority.

This licence is hereby renewed upto the.....day of.....19 .

Licensing Authority.

**Warning:—**The holder of this licence must, before attempting to drive, acquaint himself with the general provisions of the Act, and the Rajasthan Motor Vehicles Rules, 1951. His

attention is, in particular, directed to rule 40 of these rules which prohibits him from driving any motor vehicle other than that specified therein and then only (except in the case of a two wheeled motorcycle with or without a side-car attached) if he has beside him a person duly licensed to drive the vehicle and in every case, the vehicle carries 'L' plates.

### FORM L. Lr. A.

#### Form of application for learner's licence.

(Rule 41 of the Rajasthan Motor Vehicles Rules, 1951.)

#### I.—Application.

To

The Licensing Authority,

I hereby apply for a licence authorizing me to drive a learner's vehicle of the following description:—

- \*Motor Cycle                      \*Light transport vehicle.
- \*Motor Car.                      \*Heavy transport vehicle.
- \*Delivery van.

#### II.—Particulars to be furnished by Applicant.

- (1) Full name and name of father.....
- (2) Permanent address.....
- (3) Temporary address.....
- (4) Age at date of application.....
- (5) Particulars of any licence previously held by applicant....
- (6) Particulars of any learner's licence previously held by applicant in respect of the description of vehicle to which the applicant applies.

signature or thumb  
impression of applicant.

Date

19

Duplicate signature or thumb impression of applicant.
--

### FORM LE.

#### Form of intimation by court of endorsement of licence.

(Section 19 of the Act and rule 45 of the Rajasthan Motor Vehicles Rules, 1951.)

Court of the....      ....Magistrate....      ....Class.

To

The Licensing Authority,....      ....      ....      ....      ....

\*Strike out whichever is inapplicable. Add other description, if necessary.

Licence No...., dated the..... issued by you in favour of—

Name.....  
 Name of father.....  
 Permanent Address....  
 Present address....

has been endorsed by this Court as follows:—

Date of endorsement.....

Section.... of the Motor Vehicles Act, 1939 (India), as adapted to Rajasthan and rule.... of the Rajasthan Motor Vehicles Rules, 1951.

Punishment ordered by the Court

Date 19 .

Copy forwarded to the Licensing Authority.....  
 by whom the licence was last renewed on..... 19 .  
 Date..... 19 .

Magistrate..... Class.

### FORM LR.

#### Form of intimation of renewal of licence.

[Section II (4) of the Act and rule 46 of the Rajasthan Motor Vehicles Rules 1951]

From

The Licensing Authority,.....

To

Licensing Authority,....

Licence No....., dated..... issued by you in favour of—

Name.....  
 Name of father.....  
 Permanent address.....  
 Present address....

has been renewed by me for a period of twelve months with effect from the..... day of..... 19 .

Licensing Authority.

Date..... 19 .

### FORM LAD.

Form of intimation when an addition has been made by one Licensing Authority upon the licence issued by another Authority in respect of the classes of vehicle which the holder is entitled to drive.

(Section 6 (3) of the Act and rule 47 of the Rajasthan Motor Vehicles Rules, 1951)

From

The Licensing Authority,....

To

The Licensing Authority,....

Licence No.... , dated the.... issued by you  
in favour of—

Name ....

Name of father....

Permanent address....

Present address....

has, with effect from the.... day of.... 19 . been extended  
by me to entitle the holder to drive the following further class of  
vehicles:—

Date.....19 .

Licensing Authority.

### FORM MS.

**Form of approval to the establishment of motor driving school.**

[Rule 51 (a) of the Rajasthan Motor Vehicles Rules, 1951].

Approval is hereby accorded to the establishment of a school  
for the training of motor drivers by (\*).....

at (†).....

the school being known as the.....

Date.....19 .

Licensing Authority.

Note :—This approval is subject to the provisions of rule .....  
.....of the Rajasthan Motor Vehicles Rules, 1951. These provisions  
require the proprietor, among other things—

- (a) to report any change of address of the school within four-  
teen days;
- (b) to allow the school to be inspected, at any reasonable time,  
by a duly authorised person;
- (c) if so required, to obtain the sanction of the licensing auth-  
ority both to the number of pupils that may be admitted  
at any one time and to the syllabus;
- (d) to maintain an adequate number of vehicles fitted with  
dual control and other necessary apparatus and equipment,  
and
- (e) to maintain a record, with photographs, of the students  
attending, the duration of the instruction, and the dates  
on which they passed the driving test.

This approval is liable to be rescinded at any time if the  
character of the proprietor or staff, the financial condition of the  
undertaking, or the conduct of the school is unsatisfactory.

(\*) Here enter full name of person, persons, company or  
association, managing the school.

(†) Address of premises of school.

## FORM CR.Tem.

## Temporary certificate of registration.

[Rule 59 (b) of the Rajasthan Motor Vehicles Rules, 1951.]

Temporary registration mark... ..

Name, Name of father and address of owner.

## Description of Vehicle.

1. Class of Vehicle... ..
2. Maker's name... ..
3. Type of body... ..
4. Seating capacity... ..
5. Colour... ..

Under the provisions of section 25 of the Motor Vehicles Act, 1939 of the Central Legislature as adapted to Rajasthan, the vehicle described above has been temporarily registered by me and the registration is valid until the day of.....19 .

(\*)

Date.....19 .

## FORM TO.

## Intimation of transfer of ownership of a motor vehicle.

[Rules 63 (a), 68 (c) and 69 (a) of the Rajasthan Motor Vehicles Rule 1951].

1(1) I... ..son of... ..

... ..of (2)... ..  
 forward herewith the certificate of registration and the certificate of fitness (3) of motor vehicle No.... ..(4) the ownership of which has been transferred to me by (5).... and hereby request that the said vehicle may be registered in my name and that the certificate of registration and the certificate of fitness(3)be amended accordingly.

Signature or thumb

Date... ..19 . impression of transferee.

Endorsement in the case of a vehicle which is the subject of an agreement of hire-purchase:—

I/We(6) being a party to an agreement of hire-purchase in respect of the vehicle specified above consent to the transfer of ownership of the said vehicle to (1).... ..with whom I/we (6) have entered into an agreement of hire-purchase in respect of this vehicle.

Signature of the party

Date .. .... 19 .. other than the owner.

(\*) Signature and designation of registering authority or person appointed under rule 52.

(1) Here enter full name of transferee.

(2) Here enter full address of transferee.

(3) Strike out the words "and the certificate of fitness" when inapplicable.

(4) Here enter registration mark.

(5) Here enter name and address of person or firm from whom the vehicle has been transferred.

(6) Strike out whichever is inapplicable.

## Form CRTI.

Communication to original registering authority of transfer of ownership of  
a motor vehicle.

[Rules 63 (b) and 69 (b) of the Rajasthan Motor Vehicles Rules 1951].  
To

The Registering Authority .. - ... ..

Motor vehicle No... ..(1) registered by you in the name

of... ..has, with effect from the .. ..day

of... ..19 , been transferred to the name of... ..(2)

son... ..of (3) ..

The certificate of fitness has been transferred likewise (4).

The other party to the hire-purchase agreement has consented to the  
transfer, and has entered into an agreement of hirepurchase in  
respect of the vehicle with the transferee (4).

Registering Authority.

Date... ..19 .

## FORM RMA.

Intimation of change of residence and application for new registration  
mark.

*Section 29 of the Act and rule 64 (a) of the Rajasthan Motor  
Vehicles Rules 1951].*

To

The Registering Authority .. ...

I... ..of ... ..being

the owner of the motor vehicle No.... ..hereby declare

that I have, since the... ..day of.... ..19 ,

kept the said motor vehicle in the State of... ..

and hereby apply for the assignment to the motor vehicle of a new  
registration mark.

I enclose the certificate of registration and the certificate of  
fitness (i) of the vehicle.

Signature or thumb impression of owner.

Date... ..19 .

## FORM RMI.

Intimation of assignment of new registration mark and call for records from  
original authority.

*[Section 29 of the Act and the rule 64 (b) the Rajasthan Motor  
Vehicles Rules, 1951].*

From

The Registering Authority .... ..

(1) Here enter registration mark.

(2) Here enter full name of transferee.

(3) Here enter address of transferee.

(4) Strike out if inapplicable.

(i) Strike out the words "and the certificate of fitness" if  
inapplicable.

To (1)

I hereby assign the registration mark...      ...to the motor vehicle previously registered as ...      ...

The new mark shall, within ten days of the issue of this notice, be affixed to the vehicle in the place of the old and in the manner prescribed.

Date ..... 19 .

Registering Authority.

## FORM CRLD.

Intimation of loss or destruction of certificate of registration and application for duplicate.

[Rule 66 (a) and 66 (b) of the Rajasthan Motor Vehicles Rules, 1951].

To

The Registering Authority      ...      ...      ...      ...

The certificate of registration of my motor vehicle the registration mark of which is...      ...has been lost/destroyed (\*) in the following circumstances :—

I hereby declare that to my knowledge the registration of the vehicle has not been either suspended or cancelled under any of the provisions of the Act, 1939 (India), or rules made thereunder and I herewith deposit the fee of Rs ...      ...and apply for the issue of a duplicate certificate of registration.

Signature or thumb impression of applicant.

Address

Date .....19 .

## FORM HPN.

Application for making a note of hire-purchase agreement subsequent to registration.

[Rule 68 (a) of the Rajasthan Motor Vehicles Rules, 1951].

To

The Registering Authority,      ...      ...      ...      ...

The Vehicle No. (1) ..      ...is the subject of a hire-purchase agreement between the register owner/the person to be registered as owner (2) and ..      ...

We request that a note of agreement may be made in the registration certificate.

The registration certificate is enclosed.

Signature of owner      ...      ...      ...      ...

Signature of hire-purchase company      ...      ...      ...      ...

Date .....19 .

(1) Here enter full name and present address of owner. If the vehicle is the subject of hire-purchase agreement, a copy of this letter should be sent to the hire-purchase company concerned.

(\*) Strike out whichever is inapplicable.

(1) Here enter registration mark.

(2) Strike out alternative not required.

## FORM HP Ter.

Notice termination of agreement of hire-purchase.

[Rule 68 (b) of the Rajasthan Motor Vehicles Rules 1951].

To

The Registering Authority, ... ..

We the undersigned hereby request that the note endorsed on the certificate of registration, forwarded herewith, of vehicle No.....  
 .... (1) in respect of an agreement of hire-purchase between us, cancelled.

Date.....19 .

Signature or thumb impression of registered owner.

Date.....19 .

Signature of the other party.

## FORM TCA.

Application for trade certificate.

[Rule 70 (c) of the Rajasthan Motor Vehicles Rules 1951].

1. Full name and address of applicant ....
2. Whether applicant is a manufacturer of, dealer in, or repairer of, motor vehicle ....
3. Number of certificates required ....
4. The class of motor vehicle in respect of which each certificate is required ...
5. Amount of fee paid ....

Declaration.

I do hereby declare that the trade certificate/certificates applied for by me is/are required *bona fide* for trade purpose.

Station

Signature of Applicant.

Date ..... 1

## FORM TC.

Form of the trade certificate.

[Rule 70 (d) of the Rajasthan Motor Vehicles Rules, 1951].

Trade Certificate.

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....
- 6.....
- 7.....

Station.....

Date.....

Registering authority  
of district

To be filled in as follows :—

1. Serial number of certificate.
2. Full name and address of certificate holder.
3. Trade number assigned in respect of the certificate.
4. Classes of Motor Vehicles in respect of which the certificate is to be used.
5. Date of expiry of certificate.
6. Amount of fee paid.
7. Date stamp of office of issue.

*Note:—*The use of a separate letter in trade registration mark in respect of each certificate appears to make it unnecessary to state the total number of certificate on the Form above.

### FORM TCR

Register to be used by the holder of a trade certificate.

( Rule 70 (i) of the Rajasthan Motor Vehicles Rules, 1951 )

Date.	Trade number and registered number in case of second-hand vehicles.	Description of motor vehicle.	Purpose for which sent out.	Driver's name, licence number and address, if not attached to the company.	Hour of leaving the premises.	Hour of return to the premises.	Mileage covered between the hours noted in columns 6 and 7.	Signature of manufacturer, dealer, repairer or representative.	Remarks.
1	2	3	4	5	6	7	8	9	10

### FORM CEA.

Application for certificate of fitness.

(Rule 72 (b) of the Rajasthan Motor Vehicles Rules, 1951).

To

The Registering Authority/Inspector of Motor Vehicles,

I hereby apply for the issue of a certificate of fitness required by section 38 of the Motor Vehicles Act, 1939 (India), as adapted to Rajasthan.

Registration mark of vehicle	...	...	...	...	...
Name of owner	...	...	...	...	...
Address of owner	...	...	...	...	...

Place where the vehicle is ordinarily kept .. .. .  
 Name of manufacturer of vehicle .... ..  
 Manufacturer's model, or if not known, wheel-base .... ..  
 Type of vehicle .... ..  
 Engine number.... ..  
 Chassis number.... ..

Particulars of any previous certificate of fitness granted in respect of the vehicle .. .. .

Authority by which granted .. .. .

Date when certificate was lost or destroyed or ceased to be valid... ..

Reasons for cessation of validity .. .. .

Signature or thumb impression of applicant.

Date.....19

### FORM CFRA

#### Application for renewal of certificate of fitness.

[Rule 72 (b) of the Rajasthan Motor Vehicles Rules, 1951].

To.

The Registering Authority/Inspector of Motor Vehicles,

I hereby apply for renewal of the certificate of fitness described below :--

Registration mark of vehicle .. .. .

Type of vehicle .. .. .

Name of owner .. .. .

Address of owner .. .. .

Place where the vehicle is ordinarily kept .... ..

Number of the certificate of fitness and date of issue or last renewal .. .. .

Authority by which the certificate of fitness was issued or last renewed .. .. .

Signature or thumb impression of applicant.

Date ... .....19

### FORM CF. Sub

#### Temporary authorization of use of vehicle when the certificate of fitness has expired

[Rule 72 (f) of the Rajasthan Motor Vehicle Rules, 1951].

The certificate of fitness of (1) .. .. .

Registration mark .. .. .

Last renewed by.... .. on .... .. has expired.

I hereby authorize the use of the vehicle until the.... ..

... .. day of... .. 19... ..

provided that it is forthwith removed with all reasonable despatch to the area of the authority by whom the certificate of fitness is due to be renewed:

Provided also that, while being used under this authorisation, the vehicle shall not (2)—

(1) Here enter brief description of vehicle.

- (a) carry more than....                      ....persons excluding the driver; (2)  
 (b) carry any goods; (2)  
 (c) be driven at a speed in excess of....                      ....miles per hour (2)

Date.....19 .  
 on the ..                      ... day of ..                      ... 19 .  
 (3)

### FORM CFX.

#### Notice.

[Rule 72 (g) of the Rajasthan Motor Vehicles Rules, 1951].

Registration No...                      ....  
 Model and maker of vehicle.....  
 Name and address of owner.....

I find that the vehicle described above is unfit for ordinary use by reasons of the following defects:—

...	...	...	...	...	...	...
...	...	...	...	...	...	...
...	...	...	...	...	...	...
...	...	...	...	...	...	...

The vehicle shall not be used in a public save for proceeding to place of inspection after repair, until the vehicle has been passed as fit for use by the authority competent to issue or renew the certificate of fitness:

Provided that the vehicle may be at a speed not exceeding .....miles per hour to.... ..for the purpose of repair.

\*The vehicle may be driven at a speed exceeding..... m.p.h. to its immediate destination, i.e.;

It shall not be used thereafter in a public without the permission of the registering authority or Inspector of Motor Vehicles of the place to which it has been driven.

Signature of Inspecting Officer.

### FORM CFRR.

Refusal to renew a certificate of fitness.

(Rule 73 of the Rajasthan Motor Vehicles Rules, 1951).

Registration Mark of the Vehicle...	...	...	...
Make and Model...	...	...	...
Type of Vehicle ..	...	...	...
Certificate of fitness	} Number ...	...	...
		Issued by....	...
		Last renewed on..	...
		by                      ...	...

(2) Strike out if not required.

(3) Signature and designation of authority.

\*To be used if the vehicle is found on the road in the course of a journey and is permitted to proceed to its immediate destination.

Date of inspection .. .. .  
 Name and address of owner .. .. .

The vehicle described above fails in my opinion to comply with the provisions of Chapter V of the Motor Vehicles Act, 1939 (India), as adapted for Rajasthan .. .. .

I have, therefore, impounded the certificate of fitness. The vehicle may be produced for re examination at (1).....on (2) .. .. . or at (1) .. .. . on (2) .. .. . or on before the.... day of .. .. . (3) the vehicle may be driven to .. .. . for repairs and thereafter to... .. . It shall not be driven at a speed in excess of..... miles per hour and .. .. . (4) passenger and.....(4) goods may be carried .. .. .

(5)  
 Dated at... .. on the .. .. day of.....19 ..

### FORM PSt.P.A.

Application for a permit in respect of a particular stage carriage.

[See Rule 84 (a) (1) of Rajasthan Motor Vehicles Rules, 1951].

To

The Regional Transport Authority,... ..

In accordance with the provisions of section 45, 46 and 57 of the Motor Vehicles Act, 1939 (India), as adapted for Rajasthan...

1. Full Name.... ..
2. Name of father (in the case of an individual) .....
3. Address .. .. .
4. The route or routes or the area for which the permit is described .. .. .
5. The type of vehicle (\*)
6. Approximate seating capacity:—Not less than ..... and not more than .. .. seats.

7. A time-table is appended/will be arranged with other operators on the route/no time-table is proposed but I undertake to run the following minimum service:—

8. The standard rate of fare which it is proposed to charge is pies per passengers per mile.

- 
- (1) Here enter time and place.
  - (2) Here enter date.
  - (3) Strike out if not required.
  - (4) Here enter the word "no" unless for any special reason some load is to be allowed.
  - (5) Signature and designation of authority.
  - (\*) Here state whether single or double-deck, fixed roof or hood only, glass windows or side curtains.

9. Particulars of any stage carriage or contract-carriage permit or similar authorisation valid in the Rajasthan and held by the applicant in respect of:—

- (a) this vehicle .. ...  
 (b) any other vehicle .. ...

10. Particulars of any permit or similar authorisation held by the applicant in respect of the use of any transport vehicle in the Rajasthan, during the last four years which has been the subject of an order of suspension or cancellation .. ..

11. (i) I/We desire to use the vehicle for the carriage or goods as a public/private carrier and I/we apply for a public/private carrier's permit in addition to a stage carriage permit in respect of the route, routes or area above specified.

(ii) I/We intend to carry goods of the following description:—

12. I/We desire to use the vehicle as a contract carriage within the area specified below:—

13. I/We enclose cash/stamps/cheque/money order receipts of Rs.... being the prescribed fee.

14. I am/We are in possession of the vehicle, the certificate of registration of which is enclosed. I/We have not yet obtained possession of the vehicle and I/we understand that the permit will not be issued until I/we have done so and have produced the certificate of registration.

15. I/We intend to drive the vehicle.

16. I/We desire a permit valid for.....year.

17. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit issued to me/us.

Date 19 . . . . . Signature or thumb impression of applicant

Strike out inapplicable entries or alternative throughout.

*To be filled in the office of the Transport Authority.*

1. Date of receipt... ..
2. Date of publication .. ..
3. Date or dates of hearing of objections.... ..
4. Granted/Granted in modified form/Rejected on the day of.....19 . . . . .
5. Number of permits issued.... ..

Secretary,  
 Transport Authority.

FORM P.St.S.A.

[See rule 84 (a) (ii) of the Rajasthan Motor Vehicles Rules, 1951].

Application for a permit in respect of a service of stage carriage.

The Regional Transport Authority, ... ..

In accordance with the provisions of sections 45, 46 and 57 of the Motor Vehicles Act, 1939 (India), adapted for Rajasthan.....

1. Full name

2. Name of father (in case of an individual.... ..)

3. Address.... ..

4. The route or routes or area for which the permit is desired.... ..

5. The maximum number of vehicles which will ply at any one time under the terms of the permit is

6. The minimum number of vehicles which will ply at one time under the terms of the permit in the area or on any route or any part of any route, and the minimum number of daily vehicle trips are.... ..

7. The type or types of vehicles to be used on the service and the approximate seating capacity are.... ..  
 ... .. vehicles of not less than.....and not more than  
 ... .. seats.

... .. vehicles of not less than..... and not more than..... seats.

8. Particulars of the time-table (s) proposed are appended.

9. The standard rate of the fare which is proposed to be charged is (see Eighth Schedule) pies per passenger per mile.

10. Particulars of any stage or contract carriage permit or similar authorisation valid in the Rajasthan, held by the applicant—

... ..  
 ... ..

11. Particulars of any permit or similar authorisation held by the applicant in respect of the use of any transport vehicle in the Rajasthan during the last four years, which has been the subject of an order of suspension or cancellation.—

... ..  
 12. Provided that sufficient passengers do not offer at any time I/we desire to carry goods in these vehicles in addition to passengers on the understanding that goods will be so carried on not more than ..... of the vehicle trips on any route on any one day and that not more than.....the accommodation for passengers in any vehicle will be replaced by goods.

13. I/We declare that not more than .....of these vehicles are or will be the subject of permits (other than temporary permits) for use as contract carriage.

14. I/We are at present in possession of ... .. vehicles available for use under the permit applied for.

15. I/We enclose cash/stamps/cheque/money order receipt for Rs.... .. being the prescribed fee.

16. I/We desire a permit valid for... .. years.

17. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit issued to me/us.

Signature or thumb impression of  
 applicant.

Date

19 .

*To be filled in the office of the Transport Authority.*

1. Date of receipt.
2. Date of publication.
3. Date or dates of hearing of objections
4. Granted/Granted in modified form/Rejected on the .....  
day of... ..19 ..
5. Number of permit issued.

Secretary,  
Transport Authority.

### FORM P.Co.P.A.

Application for a permit in respect of a particular contract carriage to be regularly so used.

[See rule 84 (a) (iii) of the Rajasthan Motor Vehicles Rules 1951].  
To

### THE REGIONAL STATE TRANSPORT AUTHORITY,

In accordance with the provisions of section 45, 49 and 57 of the Motor Vehicles Act 1939 (India), as adapted for Rajasthan  
... ..J/We the undersigned hereby apply for a permit under section 42 of the Act in respect of a contract carriage as hereunder set out:—

1. Full name .. ..
2. Name of father (in the case of an individual) .. ..
3. Address... ..
4. Area for which required... ..
5. The type of vehicles... ..
6. Approximate seating capacity :—Not less than... ..  
and not more than .. ..seats .. ..
7. Particulars of service to be performed by the contract carriage (not necessary in case of a motor cab), and the manner in which it is claimed that the public convenience will be served.....

8. Particulars of any stage carriage or contract carriage permit or similar authorisation valid in Rajasthan and held by the applicant in respect of—

- (a) this vehicle... ..
- (b) any other vehicles... ..

9. Particulars of any permit or similar authorisation held by the applicant in respect of the use of any transport vehicle in Rajasthan during the last four years which has been the subject of an order of suspension or cancellation.....

10. I/We enclose cash/stamps/cheque/money order receipt for Rs.....being the prescribed fee.

11. I am/We are in possession of the vehicle the certificate of registration of which is enclosed. I/We have not yet obtained

\*Here state whether single or double-deck, fixed roof or hood only, glass windows or side curtains.

possession of the vehicle and I/We understand that the permit will not be issued until I/We have done so and have produced the certificate of registration.

12. I/We intend to drive the vehicle.

13. I/We desire a permit valid for.... years.

14. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit issued to me/us.

Date.....19 . Signature or  
thumb impression of applicant.  
Strike out inapplicable alternatives throughout.

---

*To be filled in the office of the Transport Authority.*

1. Date of receipt. .

2. Date of/circulation to member/consideration at meeting/  
decision by chairman .. ...

3. Granted/Granted in modified form/Rejected on the day of  
.....19 .

4. Number of permit.... ...

Secretary,  
Transport Authority.

### FORM P. Co. S.A.

[See Rule 84 (a) (iv) of the Rajasthan Motor Vehicles Rules, 1951].

**Application for a permit in respect of one or more casual  
contract carriage.**

[To be used in the case of a proprietor of a fleet of buses or cabs who wishes to have a permit for the occasional use of a or cab as contract carriage beyond what is covered by Permit P. St. S. or by permit P.Co.P.).

To

The Regional/State Transport Authority,

... ..

In accordance with the provisions of sections 45, 49 and 57 of the Motor Vehicles Act, 1939 (India), as adapted for Rajasthan, I/We the undersigned hereby apply for a permit under section 42 of that Act in respect of a casual contract carriage or carriages as herein-after set out:—

1. Full Name... ..

2. Name of father (in the case of an individual).....

3. Address.... ..

4. Particulars of the number and types of vehicles for different areas or routes:—

No. of vehicles.	Type	Approximate seating capacity.	Area or Route.

5. Particulars of the service to be performed by the contract carriages and the manner in which it is claimed that the public convenience will be served....

6. Particulars of any stage or contract carriage permit or Similar authorisation held by the applicant and valid in Rajasthan

7. Particulars of any permit or similar authorisation held by the applicant in respect of the use of any transport vehicle in Rajasthan during the last four years which has been the subject of an order of suspension or cancellation....

8. I/We enclose cash/stamps/cheque/money order receipt for Rs.... being the prescribed fee.

9. I am/We are in possession of the necessary vehicles which are covered for other uses by permits specified below:—

10. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit issued to me/us.

Signature or thumb impression of

Date.....19 applicant (s).

Strike out inapplicable alternatives throughout.

*To be filled in the office of the Transport Authority.*

1. Date of receipt....
2. Date of circulation to members/consideration at meeting/ decision by Chairman.....

3. Granted/Granted in modified from/Rejected on the day of... ..19 ..
4. Number of permits.... ..

Secretary,  
Transport Authority.

### FORM P.Pr.C.A.

( See Rule 84 (a) (v) of the Rajasthan Motor Vehicles Rules, 1951 )

#### Application in respect of a Private carrier's permit.

To

The Regional/State Transport Authority.... ..

.... ..

In accordance with the provisions of sections 45, 52 and 57 of the Motor Vehicles Act, 1939 (India), as adapted for Rajasthan, I/we, the undersigned, hereby apply for a private carrier's permit under the provisions of section 42 of that Act as hereinunder set out.

1. Full Name.... ..

2. Name of father (in the case of an individual).... ..

3. Address.... ..

4. The area for which the permit is desired.... ..

5. Type and capacity of vehicles including trailers and the alternative trailers of articulated vehicles.

No. of vehicles. 1	Type. 2	Load capacity. lbs. 3	Laden weight. lbs. 4	Registration marks. 5

Notes :—(1) If any of the vehicles are not in the possession of the applicant it will suffice if the figure in column 3 and 4 are correct within ten per cent above or below, subject to any limitation of weight in force. The certificates of registration must be presented to the Transport Authority so that the registration marks may be entered in the permit before the permit is issued.

(2) If the application is in respect of a larger number of vehicles than can be specified above an additional schedule may be appended in the same form.

6. The nature of the applicant's business.... ....  
 ....  
 ....

7. Specification of the goods to be carried.... ....  
 ....

8. Particulars of any other private carrier's permit or similar authorisation held by the applicant :—  
 ....  
 ....

9. I/We enclose cash/stamps/cheque/money order receipt for Rs.....being the prescribed fee.

10. I/We desire a permit valid for.... ....years.... ....

11. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit issued to me/us.

Date

19 .

Signature or

thumb impression of applicant (s).

Strike out inapplicable alternatives throughout.

*To be filled in the office of the Transport Authority.*

1. Date of receipt.... ....
2. Date of circulation to members/consideration at meeting/  
decision by Chairman.... ....
- 3- Granted/Granted in modified form /Rejected on the.....  
....day of.... ....19 .
4. Number of Permit.

Secretary,  
Transport Authority.

## FORM P.Pu.C.A.

(See Rule 84 (a) (vi) of the Rajasthan Motor Vehicles Rules, 1951).

Application in respect of a public carrier's permit.

To

The Regional/State Transport Authority... ..

... ..

In accordance with the provisions of sections 45, 54 and 57 of the Motor Vehicles Act, 1939 (India), as adapted for Rajasthan, I/we, the undersigned, hereby apply for a public carrier's permit under section 42 of that Act as hereinunder set out :—

1. Full name... ..

2. Name of father (in the case of an individual)... ..

3. Address... ..

4. The route, routes or area for which the permit is desired... ..

... ..

5. Type and capacity of vehicles including trailer and the alternative trailers of articulated vehicles.

No. of Vehicles.	Type	Load capacity lbs.	Laden weight lbs.	Registration marks.
1	2	3	4	5

Notes :—(1) If any of the vehicles are not in the possession of the applicant it will suffice if the figures in columns 3 and 4 are correct within ten per cent above or below, subject to any limitation of weight in force. The certificates of registration must be entered in the permit before the permit is issued.

(2) If the application is in respect of a larger number of vehicles than can be specified above an additional schedule may be appended to the form.

6. Particulars of the service to be performed by the vehicles and the manner in which it is claimed that the public convenience will be served... ..

7. Particulars of any public carrier's permit or similar authorisation valid in Rajasthan and held by the applicant at present or at any time during the last two years and of the maximum and minimum rates charged for the carriage or goods thereunder :—

*Note* :—If the particulars are extensive, append further statement...

8. Particulars of any public carrier's permit or similar authorisation valid in Rajasthan and held by the applicant which has been the subject of any order of suspension or cancellation....

9. Particulars, other than particulars furnished under item 7, of any agreement or arrangement affecting in any material respect the provision within the region of the Regional Transport Authority of facilities for the transport of goods for hire or reward, entered into by the applicant with any other person by whom such facilities are provided, whether within or without the region.....

10. (1) I/We desire to use the vehicle or vehicles as a private carrier for the carriage of goods which are my/our own property or the carriage of which is incidental to my/our business of...

(2) The goods which I/we desire to carry as a private carrier are...

11. I/We enclose cash/stamps/cheque/money order receipt for....rupees being the prescribed fee.

12. I/We forward herewith the certificate of registration of the vehicles or I/we will produce the certificates of registration of the vehicles before the permit is issued.

13. I/We desire a permit valid for....years.....

14. I/We hereby declare that the above statement are true and agree that they shall be conditions of any permit issued to me/us.

Signature or  
thumb impression of applicant(s).

Date.....19 .

Strike out inapplicable entries or alternatives throughout.

*To be filled in the office of the Transport Authority.*

1. Date of receipt
2. Date of publication
3. Date or dates of hearing  
of objections, if any
4. ~~Granted/granted in modified form/rejected on the.....~~  
.....day of... 10
5. Number of permit issued.

## FORM P.Tem.A.

[See Rule 84 (a) (vii) of the Rajasthan Motor Vehicles Rules, 1951].

## Application in respect of a temporary permit.

To

The Regional/State Transport Authority,

....      ....      ....      ....      ....      ....      ....      ....  
 In accordance with the provisions of section 45 and 62 of the Motor Vehicles Act, 1939 (India), as adapted for Rajasthan, I/we the undersigned hereby apply for a temporary permit under section 42 of that act as hereinunder set out:—

1. Full Name ... ..  
 2. Name of father (in the case of an individual) ... ..

....      ....      ....      ....      ....      ....      ....  
 3. Address....      ....      ....      ....      ....      ....      ....

4. Purpose for which permit is required....      ....      ....

....      ....      ....      ....      ....      ....      ....  
 5. Route or Routes....      ....      ....      ....      ....      ....      ....

....      ....      ....      ....      ....      ....      ....  
 6. Period of duration of permit from....      ....to....      ....

7. Type and laden weight/seating capacity of the vehicle or vehicles for which the permit is required...      ....      ....

8. (1) The registered owner (s) of the vehicle (s) is/are ....

....      ....      ....      ....      ....      ....      ....  
 and the registration mark (s) is/are....      ....      ....      ....

....      ....      ....      ....      ....      ....      ....  
 (2) The vehicle has/vehicles have not yet been hired by me/us and I/we undertake to intimate the registration mark (s) if required within twenty-four hours of hiring the vehicle/vehicles.

9. I/We enclose cash/stamps/cheque/money order receipts for Rs .....being the prescribed fee.

10. I/We hereby declare that the above statements are true and agree that they shall be conditions of any permit issued to me/us.

Signature or thumb impression of  
 applicant (s).

Date.....19 .

Strike out inapplicable alternatives throughout.

*To be filled in the office of the Transport Authority.*

1. Date of receipt... ..  
 2. Granted/Granted in modified form/Rejected on the day of.....19 .

3. Permit number....      ....      ....      ....  
 4. Registration mark (s) of vehicle (s) if intimated after issue....      ....      ....      ....

Secretary,  
 Transport Authority.

## FORM P.St.P.

[See rule 84 (a) (i) of the Rajasthan Motor vehicles Rules, 1951].

Permit in respect of a particular stage carriage.

## PART A.

(Full permit to be kept by the holder).

	No. P.St.P.....	....	....
(*) Transport Authority....	....	....	....
1. Full name of holder....	....	....	....
2. Father's name...	....	....	....
3. Address...	....	....	....
4. (a) Registration mark....	....	....	....
(b) The vehicle is held under a hire-purchase agreement with....	....	....	....
5. Number of passenger's seats...	....	....	....
6. Weight of personal luggage per passenger not to exceed...	....	....	....
7. Routes/Area (†) for which the permit is valid ...	....	....	....
8. Date of expiry...	....	....	....
9. Rate of fares, if fixed under section 43 of the Act...	....	....	....
10. Particulars of time table to be observed, if any....	....	....	....
11. Whether goods may be carried solely or in addition to passengers and their personal luggage, and conditions subject to which the goods may be so carried....	....	....	....
12. Whether persons may be carried standing in the vehicle and, if so, at what times and places subject to what conditions.....	....	....	....
13. The vehicle above described may be used by the holder of this permit as a contract carriage, within the areas hereinunder specified and subject to the following conditions....	....	....	....
14. Whether the fare table is to be exhibited on the vehicle....	....	....	....
15. Whether the time table is to be exhibited on the vehicle....	....	....	....
16. The records to be maintained and the dates on which returns are to be made to the Transport Authority ..	....	....	....

(\*) Here enter "Rajasthan" or the name of the Region as the case may be.

(†) Strike out word not required.

(§) Here enter brief particulars i.e., "two trips each way daily" or "vide time table appended".

17. Any other conditions...

....

....

....

....

18. This permit shall, to the extent specified in entry 11 above, be deemed to be a public carrier's permit (\*).

19. This permit shall, to the extent specified in entry 13 above, be deemed to be a contract carriage permit (\*).

20. Under the provisions of rule, 88 this permits valid also in the regions and subject to the conditions set out below:—

Region.	Route/Area (*).	Conditions.
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....

Date.....19 .

Secretary,  
Transport Authority,

Renewals.

This permit is hereby renewed upto the... ..

day of... ..19 , subject to the following further conditions :—

....

....

....

....

....

....

....

....

....

....

If is effective also upto the date above written and subject to any conditions attached to the previous countersignature in the following regions :—

....

....

....

....

....

....

....

....

....

....

Date.....19 .

Secretary,  
Transport Authority.

Countersignature.

Countersigned as required by section 63 of the Motor Vehicles Act, 1939 (India), as adapted for Rajasthan for Route/Area.....

... ..subject to the following variation of conditions :—

Date .....19 .

Secretary,  
Transport Authority.

Renewal of countersignature.

The above countersignature is hereby renewed upto the.....

....day of.... ..19 , subject to the following conditions :—

....

....

....

....

....

....

....

....

....

....

Date .....19 .

Secretary,  
Transport Authority.

(\*) Strike out if inapplicable.

## FORM P.St. P.

## PART B.

## Summary to be carried on the vehicle.

Transport Authority,...	...	...	...	...	...
		P.St.P.No.	...	...	...
1. Name of holder...	...	...	...	...	...
2. Vehicle Registration Mark ..	...	...	...	...	...
3. Route...	...	...	...	...	...
4. Date of expiry...	...	...	...	...	...
5 Conditions	...	...	...	...	...
TT	FT	F. max.	Min.		pies.
PL.	20 lbs.				
6. Special conditions...	...	...	...	...	...
...	...	...	...	...	...

Date .....19 . Secretary,  
Transport Authority.

Renewed upto.....19 . Renewal.

Date.....19 . Secretary,  
Transport Authority.

## Countersignature.

Transport Authority....

P.St.P.No.....

Countersigned for....

Not ES. Not GA.

Date.....19 . Secretary,  
Transport Authority

Notes on Form P St.P. Part B. The form illustrates <sup>4</sup>  
its use as follows-

3. *Route*:—.....are the code letters of the Region of the Authority issuing the permit.....are the code letters of a region of the....  
.....to which the permit has been extended by the issuing authority under rule 88 it happens that the illustration taken is of the doubtful case of the second region being outside the region of the original authority. The route is from....  
.....to ..... with the branch route to.....

4. *Date of expiry*:—A limit of one year for extra-regional validity is proposed, hence separate entries.

5. *Conditions*.—Code letters or abbreviations, are suggested thus:—

GS.—Goods may be carried in the vehicle solely.

GA —Goods may be carried in addition to passengers, but (10) seats must always be kept available for passengers.

Goods may not be carried either solely or in addition to passengers in Rajasthan.

TT.--A time-table must be exhibited and observed.

FT.--A fare-table must be exhibited and observed. F. max.....  
.....min.....pies: The meaning is clear.

PL. 20lbs.--Not more than 20 lbs of personal luggage allowed to each passenger.

The idea is that these code letters (GS, GA, TT, FT, F. max.....min.....pies, PL..... lbs.) shall always be printed on the form and be completed or struck out as required.

6. *Special Conditions* :--The permit Part A is assumed to have provided that the bus must not ply in the municipal limits of Rajasthan, i.e., it must not pick up passengers within those limits unless for a destination outside.

Renewal :--By the time of renewal, the Government of Rajasthan has agreed to the bus carrying goods subject to ten seats being kept. Under rule 97 the counter signature previously granted by the... .. Authority in Rajasthan is also renewed.

*Countersignature*.--The... .. Authority, in countersigning the permit, has varied the conditions and does not allow goods to be carried at all.

It seems that all necessary information can be fitted into Part B to foolscap size, Part A being more detailed. But if the regions are of reasonable size the questions of giving a permit of this sort extra regional validity or of countersignature will not be important.

#### FORM P.St S.

#### Permit in respect of service of stage carriages.

[See Rule 84 (a) (ii) of the Rajasthan Motor Vehicles Rules, 1951].

#### PART A.

(Full permit to be kept by holder).

.....Transport Authority.....  
No. P. St. S... ..

1. Name of holder.....

2. Father's name.....

3. Address.....

4. Route/area for which the permit is valid... ..

... ..  
... ..

5. The type or types of vehicles to be used on the service and the approximate seating capacity :--

... ..vehicles of not less than... ..and not more than... ..seats.

... ..vehicles of not less than... ..and not more than... ..seats.

... ..vehicles of not less than... ..and not more than... ..seats.

... ..vehicles of not less than... ..and not more than... ..seats.

6. Date of expiry .....
7. Maximum and minimum fares, if fixed under section 43 of the Act ...
8. Particulars of time-table to be observed, if any....
9. Whether goods may be carried on any or all of the vehicles solely or in addition to passengers, and the conditions subject to which goods may be so carried ...
10. Whether persons may be carried standing in any or all of the vehicles and if so at what times and places and subject to what conditions :—...
11. Whether the fare-table is to be exhibited on the vehicles..
12. Whether the time-table is to be exhibited on the vehicles ...
13. The records to be maintained and the dates on which returns are to be made to the Transport Authority ...
14. This permit shall to the extent specified in entry 9 above be deemed to be a public carrier's permit.
15. Under the provisions rule 88, this permit is valid also in the regions and subject to the conditions set out :—

Region.	Route/Area	Conditions.
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....

Date.....19 ..

.....Secretary,  
.....Transport Authority.

#### Renewals.

The permit is hereby renewed upto the....  
day of... ..19....  
further conditions....  
... ..

If is effective also upon the date above written and, subject to any conditions attached to the previous countersignature, in the following regions....

....  
 ....  
 ....

Date.....19 . Secretary,  
 Transport Authority.

#### Countersignature.

.... Transport Authority.....No. P.St.S....

.... Countersigned for Route/Area....

subject to the following variation of conditions....

....

Date.....19 . Secretary,  
 Transport Authority.

#### Renewal of countersignature.

This countersignature is hereby renewed upto the....

....day of... 19 .

Date.....19 . Secretary,  
 Transport Authority.

#### FORM P St.S.

#### PART B.

#### Summary to be exhibited on each vehicle.\*

.... Transport Authority....

Stage Carriage Service Permit No. P.St.S.....†

1. Name of holder....

2. Type of vehicle....

3. Capacity:—Not less than... seats, not more than... seats.

4. Route or Area.

In region of issuing authority....

In other region....

5. Date of expiry....

6. Conditions —GS.... GA ( ) .. Stand

TT... FT... F. max.....pies, min.....pies

7. CC.

8. Special conditions:

Date.....19 . Secretary,  
 Transport Authority,

Renewed upto.....19 . Renewals.

Dated.....19 . Secretary,  
 Transport Authority.

\*One copy of the summary to be issued for each vehicle covered by the permit.

†Here enter the number of the permit and, in brackets the serial number upto total number of vehicles.

## Countersignature.

... ..Transport Authority... ..No.P.St.S. ....  
 Countersigned for,... ..  
 Subject to ... ..

Secretary,

Date.....19 . Transport Authority.

## Renewal of Countersignature.

Countersignature renewed upto.....19 .

Secretary,

Date.....19 . Transport Authority,

Repeat countersignature and renewal of countersignature  
*ad lib.*

NOTE ON FORM P.St.S. PART A ENTRY 4 :—One form would be used for a single route or area or for connected routes, otherwise different permits would be granted for different routes or areas.

PART B. ENTRY 3 :—The summaries will each refer to one vehicle only by capacity, but not to a particular vehicle by registration mark

ENTRIES 6 AND 7 :—If the permit allows, say, five out of a total of ten vehicles to be used for goods solely, all to be used for goods in addition, and three to be used as contract carriages, five of the copies will have "GS" not deleted, all will have "GA" with specification of the number of seats to be kept available and three will have "CC" with the route or area specified.

## FORM P.Co.P.

[See Rule 84 (a) (iii) of the Rajasthan Motor Vehicles Rules, 1951]

Permit in respect of a particular contract carriage.

## PART A

(Full permit to be kept by holder.)

	No. P.Co.P...	...	...	...
*Transport Authority...	...	...	...	...†
1. Name of holder ..	...	...	...	...
2. Father's name...	...	...	...	...
3. Address...	...	...	...	...
4. (1) Registration mark....	...	...	...	...
(2) The vehicle is held under a hire purchase agreement with...	...	...	...	...
5. Number of passenger's seats....	...	...	...	...
6. Route/Area for which the permit is valid ..	...	...	...	...
7. Date of expiry... ..19 .	...	...	...	...
8. Rate of fare per mile (in case of a motor cab only)....	...	...	...	...

\*Here enter the words "R....."

†Here enter the name of the Region.

9. Whether a taxi-meter is to be fitted and (if so) the type (in the case of a motor cab only).....

10. Any other conditions...

11. The records to be maintained and the date on which returns are to be made to the Transport Authority.....

12. This permit does not entitle the holder to use the vehicle herein described as a stage carriage or as a public carrier...

13. Under the provisions of rule 88 of the Rajasthan Motor Vehicles Rules, 1951, this permit is valid also in the regions and subject to the conditions set below:—

Region.	Route/Area.	Conditions.

Date..... 19 .

Secretary,  
Transport Authority.

#### Renewals.

This permit is hereby renewed upto the..... day of..... 19 , subject to the following further conditions —

It is effective also upto the date above written and subject to any conditions attached to the previous countersignature in the following regions :—

Date..... 19 .

Secretary,  
Transport Authority.

#### Countersignature.

... ..Transport Authority....

No. P.C.:P

Countersigned for Route/Area... ..subject to the following variation of conditions...

Date..... 19 .

Secretary,  
Transport Authority.

#### Renewal of Countersignature.

The above countersignature is hereby renewed upto the day... ..of.... 19 : subject to the following conditions :—

Date..... 19 .

Secretary,  
Transport Authority.

## FORM P.Co.P.

## PART B.

Summary to be exhibited on the Vehicle.

... ..Transport Authority .. ...

Particulars Contract Carriage permit No.P.Co.P... ..

1. Name of holder .. ...
2. Registration mark... ..
3. Route/Area .. ..
4. Date of expiry....19 .
5. Conditions.... ..
6. Fare....pies per mile.... ..
7. Type of taxi-meter, if any.... ..

Secretary,  
Transport Authority.

Date....19 .

## Renewal.

Renewed upto....19 .

Secretary,  
Transport Authority.

Date....19 .

## Countersignature.

....Transport Authority,....

No. P.Co.P....

Countersigned for....

Subject to....

Secretary,  
Transport Authority.

Date.....19 .

## Renewal of Countersignature.

Ccountersignature renewed upto...19 .

Secretary.  
Transport Authority.

Date...19 .

## Countersignature.

...Transport Authority...

No.P.Co.S....

Countersigned for... ..

Subject to.....

Secretary.

Date...19 . Transport Authority.

## Renewal of Countersignature.

Countersignature renewed upto...19 .

Secretary,  
Transport Authority.

Date.....19 .

## FORM P Co.S.

[See Rule 84 (a) (iv) of the Rajasthan Motor Vehicles Rules, 1951].

Permit in respect of one or more casual contract carriages.

## PART A.

(Full permit to be kept by the holder.)

....	....	....	....Transport Authority....	....	....	....
				No.P.Co.S....	....	....
1.	Name of Holder ...	....	....	....	....	....
2.	Father's name...	....	.....	....	....	....
3.	Address....	....	....	....	....	....
4.	Route/Area for which permit is valid ...	....	....	....	....	....
5.	The type or types of vehicle to be used as casual contract carriages and the approximate seating capacity ...	....	....	....	....	....
...	....	....	....	....	....	....
	Vehicles of not less than .. and not more than .. seats.					
	Vehicles of not less than .. and not more than .. seats.					
	Vehicles of not less than .. and not more than .. seats.					
	Vehicles of not less than .. and not more than .. seats.					
6.	Date of expiry...	....19	....	....	....	....
7.	Whether taxi-meter is to be fitted and if so, the type.....	....	....	....	....	....
8.	The records to be maintained and the date on which returns are to be made to the Transport Authority...	....	....	....	....	....
9.	Any other conditions...	....	....	....	....	....
10.	This permit does not entitle the holder to use any vehicle as a stage carriage or as a public carrier...	....	....	....	....	....
				Secretary,		
Date...	....19			Transport Authority.		

## Renewal.

	Renewed upto.....19	, subject to...	....	....	....
Also valid in ..	....	....	....	....	....
				Secretary,	
				Transport Authority.	
Date...	....19				

## Countersignature.

....	....	....	....Transport Authority....	....	....
				No.P.Co.S....	....
	Countersigned for the region of...	....	....	....	....
	Subject to...	....	....	....	....
				Secretary,	
				Transport Authority.	
Date...	....19				

**Renewal of Countersignature.**

The above countersignature is hereby renewed up to the.....  
 .....day of.....19 , subject to the following conditions:—

Secretary,  
 Transport Authority.

Date... ..19 .

**FORM P.Co.S.****PART B.****Summary to be exhibited on the Vehicles.**

....	....	....Transport Authority....	....	....	....
<b>CONTRACT CARRIAGE SERVICE PERMIT No. P. Co. S.</b>					
1.	Name of holder	....	....	....	....
2.	Type of vehicle	....	....	....	....
3.	Capacity :— Not less than.....seats and not more than....	....	....	....	....
	....seats.	....	....	....	....
4.	Route/Area....	....	....	....	....
5.	Date of expiry....	....19	....	....	....
6.	Conditions	....	....	....	....
7.	Type of taxi-meter, if any	....	....	....	....

Secretary,  
 Transport Authority.

Date.... ..19 .

\*Here enter the number of the permit and in brackets, the serial number upto the total number of vehicles.

**Renewal.**

Renewed upto.... ..19 .

Date.... ..19 .

Secretary,  
 Transport Authority,

**Countersignature.**

....	....	....Transport Authority	....	....	....
			No. P. Co. S.....	....	....
	Countersigned for	....	....	....	....
	Subject to	....	....	....	....

Secretary,  
 Transport Authority.

**Renewal of Countersignature.**

Countersignature renewed upto... ..19 .

Date.... ..19 .

Secretary,  
 Transport Authority.

**FORM P.Pr.C.****PART B.****Summary to be exhibited on each vehicle.**

....	....	....Transport Authority	....	....	....
<b>Private carrier's permit No. P.Pr.C.</b>					
1.	Name of holder	....	....	....	....*
2.	Registration	....	....	....	....

3. Area ....  
 4. Date of expiry... ..19 ..  
 5. Nature of goods ....  
 6. Other conditions ....

Dated... ..19 .

Secretary,  
Transport Authority.

\*Here enter permit number and serial Nos. up to the total number of vehicles. Add the letter 'T' in the case of those copies referring to trailers.

**Renewal.**

Renewed up to.....19 , subject to ...  
 Also valid in....

Date.... ..19 .

Secretary,  
Transport Authority.**Countersignature.**

Transport Authority ..  
 No. P.Pr.C. ....

Countersigned for the region of....  
 Subject to ....

Date.... ..19 .

Secretary,  
Transport Authority.**Renewal of Countersignature.**

Countersignature renewed upto ... ..19 .

Secretary,  
Transport Authority.**FORM P.Pu.C.**

[See Rule 84 (a) of the Rajasthan Motor Vehicles Rules, 1951].

**Public carrier's permit.****PART A.***Full permit to be kept by the holder.*

... ..Transport Authority ...  
 No.P.Pu.C....

1. Name of holder...
2. Father's name...
3. Address...
4. Route/Area for which permit is valid....
5. Type and capacity of vehicles, including trailers and the alternative trailers of articulated vehicles.

No. of Vehicles.	Type	Load capacity lbs.	Laden Weight lbs.	Registration mark.
1	2		4	5

Note :—Of the above, the vehicles described below by their registration marks are held under a hire-purchase agreement with .. .. .

Registration marks... .. .

6. Date of expiry.....19 ..

7. The records to be maintained and the date on which returns are to be made to the Transport Authority... .. .

8. Conditions .. .. .

9. The vehicle(s) authorised by this permit may be used by the holder as a private carrier within the area of.....for the purpose of carrying the following goods.

10. Under the provisions of rule 88 of the Rajasthan Motor Vehicles Rules, 1951, this permit is valid also in the regions and subject to the conditions set out below:—

Region.	Route/Area.	Conditions.
....	....	....
....	....	....
....	....	....
....	....	....
....	....	....

Secretary,  
Transport Authority.

Date.....19 ..

#### Renewal.

Renewed upto .....19 , subject to .. .. .  
also valid in... .. .

Secretary,  
Transport Authority.

Date... ..19 ..

#### Countersignature.

... ..Transport Authority... .. .

No. P.Pu.C... .. .

Countersigned for the area of... .. .  
subject to... .. .

Secretary,  
Transport Authority.

Date.... .....19 ..

#### Renewal of Countersignature.

The above countersignature is hereby renewed upto the.....  
day of.....19 , subject to the following conditions:—

... .. .  
... .. .

Secretary,  
Transport Authority.

Date.....19 ..

## FORM P.Pr.C.

[ See Rule 84 (a) (v) of the Rajasthan Motor Vehicles Rules, 1951].

Private Carrier's permit.

## PART A

(To be kept by the holder)

.... Transport Authority....

No.P.Pr.C.....

1. Name of holder....

2. Father's name (in the case of an individual)....

3. Address....

4. Area for which permit is valid.....

5. Type and capacity of vehicles, including trailers and the

alternative trailers of articulated vehicles:—

No. of vehicle. 1	Type. 2	Load capa- city lbs. 3	Laden Weight lbs. 4	Registration Marks. 5
....	....	....	....	....
....	....	....	....	....
....	....	....	....	....
....	....	....	....	....
....	....	....	....	....

6. Nature of goods to be carried... ..

7. Date of expiry....

8. The records to be maintained and the date on which  
returns are to be made to the Transport Authority:—

9. Conditions....

10. Under the provisions of rule 88 of the Rajasthan Motor  
Vehicles Rules, 1951, this permit is valid also in the regions and  
subject to the conditions set out below:—

Regions	Route/Area.	Conditions.
---------	-------------	-------------

Date.....19 . Secretary,  
Transport Authority.Renewed upto.....19 , Renewal.  
subject to....Date.....19 . Secretary,  
Transport Authority..... Countersignature.  
....Transport Authority....Countersigned for the area of.... No. P.Pr.C....  
variation of conditions.... subject to the followingDate.....19 . Secretary.  
Transport Authority.

\*Here enter Permit Nos. upto total. Add the letter "T" in the case of those copies referring to trailers.

## FORM P.Tem.

## Temporary Permit.

[See Rule 84 (a) (vii) of the Rajasthan Motor Vehicles Rules 1951]

... ..Transport Authority....

No.P.Tem....

1. Name of Holder... ..

2. Father's Name... ..

3. Address.... ..

... ..

4. Type of Vehicle... ..

5. (1) Registration Mark... ..

(2) Seating capacity... ..

(3) Laden weight .. ..

[ If (1) is filled in, (2) and (3) may be struch out.

Otherwise (2) and (3) must be filled in].

6. Purpose of journey or journeys .. ..

... ..

7. Nature of goods, if to be carried .. ..

... ..

8. Date of expiry.... ..19 .

9. Under the provisions of sub-section (4) of section 63 of the Motor Vehicles Act, 1939 (India), as adapted for Rajasthan and with the particulars/general/consent of the Transport Authority concerned, this permit is valid also in the following regions :—

(1)... ..

(2)... ..

(3)... ..

(4)... ..

Secretary,  
Transport Authority.

Date.... ..19 .

Countersignature, if necessary.

... ..Transport Authority....

No.P.Tem....

Countersigned for the region of... ..

Subject to the following conditions:--

... ..

... ..

Secretary,  
Transport Authority.

Date.... ..19 .

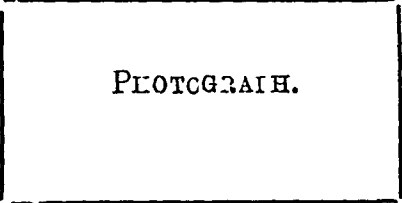
NOTE ON FORM P TEM—A temporary permit can be carried on the vehicle in original. Entry No. 7 of Form P. Tem. contemplates application for more than one vehicle, i. e., four buses for a marriage party. A separate permit must be granted for each.

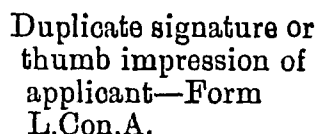
## FORM L.Con.

[See rule 115 (a) of the Rajasthan Motor Vehicles, Rules 1951].

## Conductor's Licence.

Name ... ..  
 son of.... ..  
 of (present address).... ..  
 ....  
 Permanent address ... ..


 PHOTOGRAPH.


 Duplicate signature or  
thumb impression of  
applicant—Form  
L.Con.A.

is licensed as conductor and has been issued conductor's badge No....

"This licence expires on ... ..19 ."

Date.... ..19 .

Licensing Authority.

## Renewals.

Date of renewal.	Date of expiry.	Signature of Licensing Authority.
1.... ..	.... ..	.... ..
2.... ..	.... ..	.... ..
3.... ..	.... ..	.... ..
4.... ..	.... ..	.... ..
5.... ..	.... ..	.... ..

## FORM L.Con.A.

[See Rule 115 (d) of the Rajasthan Motor Vehicles Rules, 1951].

## Form of application for a conductor's licence.

1. Name.... ..
2. Name of father.... ..
3. Present address ... ..
4. Permanent address... ..

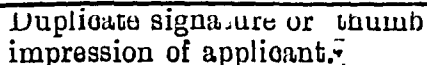
5. I have not previously held a conductor's licence/previously held a conductor's licence issued by:—

6. I am not disqualified for holding a conductor's licence.

7. I hereby declare that I am not less than.... ..years of age and that the above statements are true. I attach two copies of a recent photograph of myself.

Signature or thumb impression of applicant.

Date.... ..19 .


 Duplicate signature or thumb  
impression of applicant.

## FORM M.C.Con.

[See Rule 115 (e) of the Rajasthan Motor Vehicles Rules, 1951]

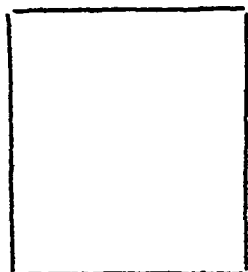
## Form of Medical Certificate for a conductor.

( To be filled in by a registered medical practitioner ).

1. Name of person examined....      ....      ....      ....      ....
2. Father's name....      ....      ....      ....      ....
3. Apparent age....      ....      ....      ....      ....
4. Is the person examined, to the best of your judgement, fit physically and mentally, to perform the duties of a conductor of a stage carriage....      ....      ....      ....      ....
5. Does he show any evidence of being addicted to the excessive use of alcohol or drugs....      ....      ....      ....      ....
6. Marks of identification...      ....      ....      ....      ....

I certify that the person examined has affixed his signature or thumb impression thereto in my presence and that the attached photograph has a reasonably correct likeness of the person described.

Signature or thumb impression  
of person examined.



Name....      ....      ....      ....      ....

Signature....      ....      ....      ....      ....

Designation,...      ....      ....      ....      ....

## HISTORY OF AMENDMENTS.

Serial No.	Notification Number	Date	Gazette Reference	How Amendments made and Rules added.
1	2	3	4	5
1.	F. 21 (1) H.T./51.	19/2/52	Part IV B.	Words, "Motor Vehicles Act, 1939 (Act IV of 1939)" substituted wherever to the words, "Rajasthan Motor Vehicles Act, (Adaptation) Ordinance, 1950" occurred.
2.	F. 3 (1)/H.T./51	28/11/51	Volume 3 Part I.	Sub-rule (e) of rule 140-newly added.
3.	F. 3 (6) II./T./51.	22/3/52	Volume 3 No. 192 dated 29/3/52	Sub-clause (v) of clause (9) of rule 76-Substituted.
4.	F. 10 (5) (1) H.T./52.	4/11/52	Vol. 4. No. 150 Extra-Ordinary dated 5/11/52	Sub-clause (i) of clause (a) of rule 76 Substituted.
5.	F. 10 (5)-2/Home-I/52	9/12/52	Part I dated 13/12/52	Letter 'Z' substituted for letter 'I' in column 1 against 'Churu' in first schedule.
6.	F. 10. (5) Home II-T/52	11/12/52	Part I D/-20/12/52	Sub-clause (vi) of clause (a) rule 76-substituted.
7.	F. 10 (5)-4/Home-II/53	21/12/53	Part I D/- 26/12/53	Word "Jaisalmer" and letter "M" appearing in columns 1 & 2, respectively of the first schedule deleted.
8.	F. 10 (6)-I/Home. II/52	12/11/54	Part IV (c) D/- 27/11/54	In rule 76 after sub-clause (v) of clause (a) sub-clause (vi) newly added & the present sub-clause (vi) asked to be renumbered as sub-clause (vii).

(Continued)

9.	F. 10 (5) 6/Home. II/53	8/1/55	Part IV (c) D/- 10/1/55	Proviso to sub-rule (a) of rule 108- newly added.
10.	F. 10 (6)-15/Home. II/53-I	17/6/55	Part IV (c) D/-6/8/55	Proviso to rule 49- newly added.
11.	-Do-	-Do-	-Do-	Clause (aa) to rule 58-newly added
12.	-Do-	-Do-	-Do-	Clause (d) rule 89-newly added.
13.	F. 10 (5)-3/Home. II/53-I	27/10/55	Part IV (c) D/- 26/11/55	In clause (K) of rule 3, after the words, "under the rules" words, "and inclu- des an Assistant Regional Transport Officer so appointed"-newly added. "
14.	D. 4461/F. 10 (5)-5/Home. II/54.	13/12/55	Part IV (c) D/- 31/12/55	In sub-rule (b) of rule 175, last sentence starting with the words "But nothing .....and ending with the words" sub- rule (K) below" has been newly added.
15.	-Do-	-Do-	-Do-	In sub-rule (h) -Do-
16.	-Do-	-Do-	-Do-	In clause (iii) of sub-rule (4) of rule 175 words into bracket have been newly added.
17.	-Do-	-Do-	-Do-	Sub-rule (K) to rule 175 has been newly added.
18.	D. 7497/F. 10 (2)-6/Home. II/53/I	4/1/56	Part IV (c) D/-21/1/56	Sub-rule (a) of rule 93-substituted.
19.	F. 10 (8)-2/Home. II/54	14/2/56	Part IV (c) D/-17/3/56	In item (3) of paragraph I of clause (b) of rule 77 words "Jaipur Zone" have been replaced by the words "Jaipur District Circle, Jaipur."
20.	-Do-	-Do-	-Do-	Clause (d) of rule 140-substituted.

(Continued)

		15/5/56	Part IV (c) D/- 26/5/56	Sub-clause (ii) to clause (a) of rule 76- newly added and existing sub-clauses (ii),(iii),(iv),(v),(vi) and (vii) asked to be renumbered accordingly as sub- clauses (iii),(iv),(v),(vi),(vii), & (viii). Rule 106A-newly added.
21.	D. 3980/F. 16(7)-2/Home. 2/56.			
22.	D. 3561/F. 10 (1)-14/H. 2/54	19/5/56	- IV (c) - 16/6/56	
23.	D. 1183/Home. B./F. 10 (5)-8/Home. 2/54	26/5/56	- IV (c) - 30/6/56	For the words "Transport Commis- sioner" wherever they occurred words "Director of Transport"-substituted.
24.	D. 1062/F. 10 (2).13/ Home B/54	6/6/56	- IV (c) - 21/7/56	Proviso to clause (b) of rule 61-newly added.
25.	D. 3357/F. 16 (4)-2 Home. B/56	28/8/56	- IV (c) - 6/9/56.	Rule 100A-newly added
26.	D. 1460/F. 16 (4) (17) H B/56	26/12/56	- IV (c) - 26/12/56.	Items (1) and (2) of paragraph 1 of clause (b) of rule 77-substituted.
27.	D. 1932/F. 16 (4) (1) Home. B/56	15/12/56	- IV (c) - 27/12/56	Rule 84A-newly added
28.	D. 2035/F. 10 (5) (5) H. 2/53.	25/4/57	- IV (c) - 23/5/57	Sub-rule (2) of rule 141-substituted
29.	D. 6769/F. 16 (14) (13) H B/56.	17/6/57	- IV (c) - 4/7/57	Words appearing as "any officer of the Police or Transport Department" have been substituted for the previous words "any police officer"
30.	D. 9089/F. 16 (4) (15) H B/56	7/8/57	- IV (c) - 12/9/57	Sub-rule (c) of rule 121-newly added and existing sub-rule (c) renumbered as sub-rule (d)

( Continued )

31.	D. 7005/F. 16 (4) (4) Home. B/56	21/11/57	- IV (c) - 12/12/57	Clause (c) of sub-rule (2) of rule 191-substituted
32.	D. 14628/F. 16 (4) (10) H B/56	16/12/57	- IV (c) - 16/1/58	Rule 2-substituted.
33.	-Do-	-Do-	-Do-	Words appearing as "as adapted to Rajasthan" than by the Rajasthan Motor Vehicles Act (Adaptation) Ordinance, 1950" in clause (a) of rule 3 omitted.
34.	-Do-	-Do-	-Do-	Words "the State of Rajasthan" have been substituted for the word "Rajasthan" in clause (c) of rule 3.
35.	-Do-	-Do-	-Do-	Clause (ii) after clause (i) has been newly added in rule 3.
36.	-Do-	-Do-	-Do-	Words "in any part of the State of Rajasthan" have been substituted for the words "of any of the covenanted States of Rajasthan" in rules 23.
37.	-Do-	-Do-	-Do-	Sub-rules (a) and (b) of rules 77-substituted.
38.	-Do-	-Do-	-Do-	Rule 268-newly added.
39.	-Do-	-Do-	-Do-	Letter "Z" appearing against Churu again substituted by letter "T" and at the end in the first schedule new item as "Ajmer-Z" has been newly added.
40.	-Do-	-Do-	-Do-	Second schedule-replaced.

(Continued)

41.	D. 7777/F.1/4(10) HB/58	14/10/58	- IV (o) - 6/11/58	Entry No. 4 of Part I of sub-rule (b) of rule 77-substituted.
42.	D. 7205/F. 16/I (11) H. B./57	8/11/58	- IV (o) - 27/11/58	Clause (iii) to rule 52-newly added.

**Note:—**Rules 76, 77 (a) and (b), 93 (a), 140 (d), 141 (2), 191 (2) (e) and Second Schedule have been reproduced and appended with this chart for the sake of ready reference.

76. *State Transport Authority.*—(a) The State Transport Authority for Rajasthan shall consist of—

(i) the Transport Commissioner, who shall be the Chairman;

(ii) the Inspector-General of Police;

(iii) the Chief Engineer (Roads and Buildings);

(iv) a representative of the Railways in Rajasthan, to be selected by the Government in consultation with the Railway Board;

(v) one or two members not being the servants of the Government or any local authority, nominated by the Government; and

(vi) the Deputy Transport Commissioner, who shall also be the Secretary and Executive Officer of the authority.

(b) The number of members whose presence shall constitute a quorum shall be four.

(c) The Chairman if unable to attend a meeting shall nominate a member to act as Chairman at the meeting.

(d) The Chairman or the acting Chairman nominated under sub-rule (c) shall have a second or casting vote.

(e) The State Transport Authority shall meet at such times and at such places as the Chairman may appoint;

Provided that the authority shall meet not less than once in each of the periods of three months of January to March, April to June, and July to September and October to December..

(f) Not less than 15 days' notice shall be given of any meeting of the State Transport Authority.

(g) A nominated non-official member of the State Transport Authority shall hold office for a period of three years and thereafter until a successor is nominated:

Provided that—

(i) the Government may at any time reduce the period of office of any such member to the period during which he has till then actually held the office of such member, and

(ii) when any such member dies or otherwise vacates office or when his period of office is so reduced, his successor shall hold office for the remainder of the period for which the member whose place such successor takes would have held such office.

(h) A nominated non-official member of the State Transport Authority shall be entitled to receive for his attending a meeting of the Authority travelling and halting allowance at the scale and on the conditions admissible to I Class Officers and any such member performing any journey, other than to attend a meeting of the authority, in connection with the business of the Authority shall with the sanction of the Chairman be entitled to receive travelling and halting allowance likewise.

77. *Regions and Regional Transport Authorities.*—(a) The regions for the purposes of section 44 of the Act shall be three in number for the time being and shall comprise the areas as set forth in the Second Schedule to these rules.

(b) The Regional Transport Authorities for the said regions shall be constituted as follows:—

I. Regional Transport Authority. Jaipur Region.

- (1) The Commissioner, Jaipur. Division, *Chairman*;
- (2) the Deputy Inspector-General of Police, Jaipur Range;
- (3) the Superintending Engineer, Buildings and Roads, Jaipur District circle, Jaipur;
- (4) one or two members not being the servants of the Government or of any local authority, nominated by Government, and

(5) the Regional Transport Officer, who shall also be the Secretary and Executive Officer of the Authority.

II. Regional Transport Authority, Jodhpur Region.

- (1) The Commissioner, Jodhpur Division, *Chairman*;
- (2) the Deputy Inspector-General of Police, Jodhpur Range;
- (3) the Superintending Engineer, Buildings and Roads, Jodhpur Zone;
- (4) the Collector, Bikaner;
- (5) the District Superintendent of Police, Bikaner;
- (6) two members, not being the servants of the Government or of any local authority, nominated by Government; and

(7) the Regional Transport Officer, who shall also be the Secretary and Executive Officer of the Authority.

III. Regional Transport Authority Udaipur Region.

- (1) The Commissioner, Udaipur Division, *Chairman*;
- (2) the Deputy Inspector-General of Police, Udaipur Range;
- (3) the Superintending Engineer, Buildings and Roads, Udaipur Zone;
- (4) the Collector, Kotah;
- (5) the District Superintendent of Police, Kotah;
- (6) two members, not being the servants of the Government or of any local authority, nominated by Government; and

(7) the Regional Transport Officer, who shall also be the Secretary and Executive Officer of the Authority.

77 (b). (1) The Commissioner having jurisdiction over the areas comprised in the Jaipur Region, *Chairman*;

(2) The Deputy Inspector General of Police having jurisdiction over the areas comprised in the Jaipur Region.

93. (a) Not more than forty pounds of luggage and personal effects per passenger shall be carried in any stage carriage.

140. (d) Any Inspector of Motor Vehicles, in uniform, may at any time when a transport vehicle is in a public place call upon the driver of such vehicle to stop the vehicle and to keep it at rest for such time as may be necessary to enable the Inspector to inspect such vehicle. The Inspector shall give to the driver or any other person in charge of the vehicle, a certificate stating the date on which, the hour at which and the period for which the vehicle was detained,

(2) Where a notification as aforesaid has been issued permits shall not be granted in respect of any motor cab not fitted with a taxi-meter, except under the following conditions:—

(i) that the owner of such cab shall maintain not less than six motor cabs;

(ii) that such owner shall provide such garage accommodation for the cabs as is approved by the Regional Transport Authority, and

(iii) that the cabs shall not ply for hire on public stands or in public places.

191 (2). (e) *Overall length*.—The overall length of a public service vehicle shall not exceed twenty-six feet.

## THE SECOND SCHEDULE.

See rule 78 (a)].

Definition of regions constituted for the purpose of section 44 of the Motor Vehicles Act, 1939 (India), as adapted for Rajasthan, Samvat.....

Code Letters and addresses of office of the Regional Transport Authorities.

Name of region and code letter.	Territorial extent (or boundaries).	Address of the office of the Regional Transport Authority.
Jaipur Region	Jaipur, Jhunjhunu, Sawai Madhopur, Sikar, Tonk, Alwar and Bharatpur Districts.	Regional Transport Officer, Jaipur.
Jodhpur Region.	Jodhpur, Jalore, Nagore, Pali, Barmer, Bikaner, Ganganagar, Churu, Jaisalmer and Sirohi Districts.	Regional Transport Officer, Jodhpur.
Udaipur Region	Udaipur, Chittorgarh, Dungarpur, Banswara, Bhilwara, Jhalawar, Kotah and Bundi Districts.	Regional Transport Officer, Udaipur.

# Rajasthan Motor Vehicles Rules, 1951.

*Published in Raj. Raj-patra part IV (c) dated January 22, 1959 at page 1373*

## HOME (B) Department NOTIFICATION

Jaipur, January 2, 1959.

No. D. 8846/F. 1/7 (2) HB/58.—In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (Central Act IV of 1939), the Government of Rajasthan hereby makes the following amendments in the Rajasthan Motor Vehicles Rules, 1951, the same having been pre-published in Rajasthan Gazette, part III B, dated 28-8-1958 as required by section 133 of Motor Vehicles Act, 1939.

## AMENDMENT

In para V of the sub-rule (b) of rule 77 of the Rajasthan Motor Vehicles Rules, 1951:—

(1) Substitute "Superintending Engineer, Buildings and Roads, Kotah" for the existing entry No. 3; and

(2) Insert the word "also" between the word "shall" and the word 'be' occurring in entry No. 5.

By Order of the Governor,  
SHYAM KARAN,

Deputy Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated March 27, 1959 at page 219*

## Home 'B' Department NOTIFICATION

Jaipur, March 27, 1959.

No. F. 1 (7)/1/HB/59.—In exercise of the powers conferred by sub-section (1) of section 44 of the Motor Vehicles Act, 1939 (Central Act IV of 1939), the State Government hereby directs that sub-rule (a) of rule 76 and sub-rule (b) of rule 77 of the Rajasthan Motor Vehicles Rules, 1951, shall be omitted.

By Order of the Governor,  
C. S. GUPTA,

Secretary to the Government.

*Published in Raj. Rajpatra part IV (c) dated July 21, 1959 at page 235*

## Home 'B' Department NOTIFICATION

Jaipur, July 21, 1959.

No. D. 4397/F. 1 (7)/1/HB/59.—In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (Central Act IV of 1939), the State Government makes, after previous publication, the following amendments in the Rajasthan Motor Vehicles Rules, 1951, namely:

## AMENDMENTS

In the said rules:—

(1) in sub-rule (a) of rule 108, for the words "be the Chairman and two members of the State Transport Authority from time to time appointed by the Government" the words "consist of the Transport Minister, Government of Rajasthan, as Chairman, and the Legal Remembrancer to the Government of Rajasthan and the Director of Transport for the State of Rajasthan as members" shall be substituted.

(2) the words "so appointed" occurring twice in the proviso to rule 108 (a) shall be deleted.

By Order of the Governor,  
Z. S. JHALA,  
Secretary to the Government.

*Published in Raj.Raj-patra part IV (c) dated February 18, 1960 at page 1203*  
Home 'B' Department

## NOTIFICATION

Jaipur, January 2, 1960.

No. D. 7440/F. 1/4/8 HB/59.—In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (Central Act IV of 1939), the State Government, after previous publication, makes the following amendments in the Rajasthan Motor Vehicles Rules, 1951, namely:—

## AMENDMENT

(1) In sub-rule (a) of rule 107 of the said Rules, the words, letters and brackets "clauses (a), (b), (c), (d), (e) and (f) of" shall be omitted.

(2) In sub-rule (a) of rule 108 of the said Rules, the words, letters and brackets "clause (a), (b), (c), (d), (e) and (f) of" shall be omitted.

By Order of the Governor,  
Z. S. JHALA,  
Secretary to the Government,

*Published in Rajasthan Raj-patra part IV (c) at page 267*  
Home (B) I Department

## NOTIFICATION

Jaipur, July 2, 1960

No. D. 8968/F. 1 (4) 15/H (B-Gr I)/58.—In exercise of the powers conferred by section 70 of the Motor Vehicles Act, 1939 (Central Act No. 4 of 1939), the State Government hereby makes the following amendments in Rajasthan Motor Vehicles Rules, 1951, the same having been pre-published as required by sub-section (1) of section 133 of the said Act:—

## AMENDMENT

The following shall be added after rule 229 in Chapter V of the said Rules:—

Special Rules laying down specifications for motor cycle] rickshaw bodies.

*Type of Body and Material 229-A:—*(1) The body of every auto-rickshaw shall be either of a station wagon or a box type or hackney carriage type as approved by the State Transport Authority, soundly constructed to the satisfaction of the registering authority and shall be securely fastened to the frame of the vehicle. There shall be adequate arrangements for protection of passengers from sun, wind and rain. The material used in the construction shall be strong and of good quality.

*Roof:—*(2) The roof shall be so constructed as to provide protection for passengers from sun and rain, and shall be either of metal sheeting or canvas or some other suitable material.

*Overhang 229-B:—*The overhang of the body shall not exceed forty-one per cent of the distance between the plane perpendicular to the axis of the auto-rickshaw which passes through the centre of the front wheel and the centre of the rear axle.

*Over-all width 229-C (1):—*4 *Passengers auto-rickshaws:—*The over-all width measured at right angles to the axis of the planes enclosing the extreme points shall be not more than 5 feet 9 inches and not less than 4 feet 3 inches.

(2) *2-Passengers Auto-Rickshaw:—*The over-all width measured at right angles to the axis of the planes enclosing the extreme points shall not be not more than 4 feet 8 inches and not less than 3 feet and 6 inches.

*Over-all Height-229 (D) (1):—*4-*Passengers-auto-rickshaw:—*The over-all height measured from the surface on which auto-rickshaw stands shall not exceed 6 feet and there shall be at least 4 feet clear head space between floor board and the roof:

(2) *2-Passengers auto-rickshaw:—*The over-all height measured from the surface on which auto-rickshaw stands shall not exceed 6 feet and there shall be at least 4 feet clear head space between floor board and the roof.

*Road Clearance: 229 E:—*The road clearance of every auto-rickshaw shall be not more than 8 inches and not less than 4 inches.

*Clearance of Floor Board: 220-F:—*(1) 4 *Passengers auto-rickshaw:—*The floor board shall be not more than 22 inches above the surface on which the auto-rickshaw stands.

(2) *2-Passengers auto-rickshaws:—*The floor board shall be not more than 22 inches above the surface on which the auto-rickshaw stands.

*Light: 229-G:—*Every auto-rickshaw shall be fitted with one head and two side white lights on the body in the front. In addition to the front lights, an auto-rickshaw shall be fitted with the rear lamp showing to the rear a red light the visible from a distance of 500 feet and illuminating with white light the registration mark exhibited on the rear of the vehicle so as to render it legible from a distance of 50 feet and also 2 cat's eye reflectors on the rear mud-guards so as to warn the vehicular traffic approaching from behind that there is an auto-rickshaw ahead. If no mud-guards are used, cat'seye reflectors in the rear will be optional.

*Driver's Seat: 229-H:—*The back of the driver's seat should have at least 4 inches of clearance from the front panel of the body. A wind screen shall be provided for the driver.

*Gangway: 229-I:—*In every 4 passengers auto rickshaw the entrance to which is from the front or rear and the seats are placed across the vehicle there shall be a gangway of not less than 12 inches.

*Seats 229:(J)—(1) (i) 4-Passengers auto-rickshaws.—*There shall be provided for each passenger reasonably comfortable seating space of not less than 16 inches square measured in straight lines along and at right angles to the front of each seat.

The seats shall be placed across the vehicles and when all seats face in the same direction there shall be at all places a clear space of not less than 27 inches between the backs of either of the seats and they shall face to the front or two seats to the front and two to the rear back to back. Seats along side the body shall not be allowed.

(ii) *2-Passengers auto-rickshaws.—*There shall be provided a seat not more than 3 feet 8 inches and not less than 3 feet in length. The depth of the seat shall not be less than 16 inches.

(2) The back of all seats shall be slanting and closed to a height of at least 18" above the level of the seat in both cases.

(3) The seats shall be provided with fixed or movable cushions. The cushions shall be covered with leather cloth of good quality or other material of such kind that they are capable of being kept in a clear and sanitary condition.

(4) The height of the seats from the floor shall be not less than 14 inches (including cushions).

*Leg Space (5) (i) 4-Passengers auto-rickshaws.—*There shall be provided at least 11 inches leg space.

(ii) *2-Passengers auto-rickshaws.—*There shall be provided at least 15 inches leg space.

*Milometer.—229-K:—*Every autorickshaw shall be provided with suitable type of milometer to record total mileage covered on the basis of which fare is paid and also a milometer of the type in which trip readings can be adjusted to zero or fare meter.

*Horn 229-L:—*Every auto-rickshaw shall be fitted with a bulb horn.

Published in Raj. Raj-patra part IV [c] dated October 14, 1960 at page 257-58

Home (B-I) Department

# NOTIFICATION

Jaipur, October 14, 1960.

*No. F. 1 (7) (1) HB-Gr-I/59.*—In exercise of the powers conferred on it by section 68 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the Government of Rajasthan is pleased to direct that the following amendments shall be made in the Rajasthan Motor Vehicles Rules, 1951, hereinafter referred to as the said Rules, the same having been previously published, namely:—

1. Rule 107 of the said Rules shall be omitted.

2. For Rule 108 of the said Rules the following shall be substituted, namely:—

*"108. Appeals against orders of Transport Authorities.—*

(a) The authority to decide an appeal against orders of the State Transport Authority or a Regional Transport Authority under clauses (a), (b), (c), (d), (e) and (f) of section 64 of the Act shall be an Appellate Tribunal consisting of one Member to be constituted by the State Government.

(b) Any person preferring an appeal against such an order of the State Transport Authority or a Regional Transport Authority shall, within thirty days of the receipt by him of such order, do so in writing by presenting to the Appellate Tribunal a memorandum of appeal in duplicate, setting forth concisely the grounds of objection against the order appealed from, accompanied by a certified copy thereof.

(c) Upon receipt of an appeal preferred in accordance with sub-rule (b), the Appellate Tribunal may appoint a date, time and place for the hearing of the appeal, giving the State Transport Authority or the Regional Transport Authority, as the case may be, and the appellant not less than thirty days' notice thereof.

(d) The Appellate Tribunal may also order the appellant to deposit such fee as it may specify but not exceeding—

(i) fifty rupees, if the appeal is from an order of the State Transport Authority, and

(ii) twenty-five rupees, if the appeal is from an order of the Regional Transport Authority."

3. In rule 109 of the said Rules, for the words "appellate authority" wherever occurring, the words "Appellate Tribunal" shall be substituted.

4. In rule 110 of the said Rules—

(a) for the words, "appellate authority", the words "Appellate Tribunal" shall be substituted; and

(b) for the words and figures "Rules 107 and 108", the word and figures "rule 108" shall be substituted".

By Order of the Governor,  
Z. S. JHALA,  
Secretary to the Government.

# RAJASTHAN MOTOR VEHICLES RULES, 1951

Home (B-Gr. I) Department

## NOTIFICATION,

Jaipur, February 28, 1963.

No. F. 1 (3)/34/H (B-Gr.-I)/62.—In exercise of the powers conferred by section 41 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), read with section 68 thereof the State Government hereby makes the following amendments in the Rajasthan Motor Vehicles Rules, 1951, the same having been previously published in the Extra-ordinary Rajasthan Rajpatra, Part 3 (b), dated the 7th January, 1963, namely:—

### AMENDMENT

In the Eighth Schedule to the said Rules,—

(1) for serial number 9 (b) the following shall be substituted, namely:—

- |                                  |                       |
|----------------------------------|-----------------------|
| (i) for transport vehicles.      | Rs. 20/- per vehicle. |
| (ii) for non-transport vehicles. | Rs. 10/- per vehicle. |

(2) after the existing serial number 21, the following new serial number shall be added, namely:—

21A. Fee on transfer of permits otherwise than by inheritance or succession—

- |  |           |
|--|-----------|
| (i) Stage carriage permit                            | Rs. 500/- |
| (ii) Contract carriage permit.                       | Rs. 100/- |
| (iii) Public carrier permits for inter-State routes. | Rs. 250/- |
| (iv) Other Public carrier permits.                   | Rs. 100/- |

By Order of the Governor,

SHIV SHANKER,

Secretary to the Government.

[Published in Rajasthan Gazette-Part IV (Ga)-dated 28-2-1963.]

Notification No. F. 1 (3) (61) HB 1/63.—In exercise of the powers conferred by section 41 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), read with section 68 thereof the State Government hereby makes the following amendments in the Rajasthan Motor Vehicles Rules, 1951, the same having been previously published in the Extra-ordinary Rajasthan Rajpatra, Part 3 (b), dated the 28th February, 1963, namely:—

1. In rule 89 of the said Rules,—

(a) for sub-rule (c), the following sub-rule shall be substituted, namely:—

“(c) The fee for countersignature of a permit on interestatal routes other than a temporary permit shall:—

- (i) for a stage carriage permit. See Eighth Schedule.
- (ii) for a contract carriage permit. ”
- (iii) for a public carrier permit. ”

(b) after sub-rule (c) the following new sub-rule shall be inserted, namely:—

“(cc) The fee for countersignature of a temporary permit shall be:—

- (i) for a countersignature of a temporary permit for heavy vehicles, for not more than two days but not exceeding seven days, and for a period exceeding seven days for every seven days or part thereof. See Eighth Schedule.
- (ii) for a countersignature of medium and light vehicles, for the first seven days and for every subsequent seven days and part thereof. ”

“(ccc) There shall be no fee for the replacement of vehicle covered by a permit by another vehicle.

(c) In sub-rule (d), after the words “the renewal of a permit”, the words “or for countersignature of a permit or for renewal thereof” shall be substituted.

2. In the Eighth Schedule to the said Rules,—

(a) in column 3,—

- (i) against entry number 1 relating to fee for grant of countersignature of authorisation, for the figure “5”, the figure “7” shall be substituted ;
- (ii) against entry number 2 relating to fee for each test of competence to drive for the figure “2” the figure “5” shall be substituted;
- (iii) against entry number 3 relating to appeal against the order of licensing authority, for the figure “2”, the figure “5” shall be substituted;
- (iv) against entry number 7 relating to fee for learner’s licence, for figure “2”, the figure “5” shall be substituted;
- (v) against entry number 8 relating to fee for each renewal of learner’s licence, for figure “2”, the figure “5” shall be substituted;

(b) for entry number 10, the following entry shall be substituted, namely:—

10. Fee for assignment of new registration mark, change of address of owner or alteration in the motor vehicles:—

(i) motor cycle and invalid carriage Rule 62

3/-

(ii) heavy transport vehicle 25/-

(c) for entry number 13, the following entry shall be substituted, namely:—

13. Fee for certificate of fitness:—

(i) light motor vehicle used for hire or reward. Rule 71 (b)

20/-

(ii) transport vehicles other than light motor vehicles. 30/-

(d) for entry number 14, the following entry shall be substituted, namely:—

14. Fee for the renewal of certificate of fitness:—

(i) light motor vehicles used for hire or reward. Rule 71 (h)

10/-

(ii) transport vehicles other than light motor vehicles. 20/-

(e) in clause 3,—

(i) against entry number 15 relating to fee for duplicate certificate of fitness if original lost or destroyed, for the figure "2", the figure "5" shall be substituted :

(ii) against entry number 16 relating to fee for an appeal against order of the registering authority or the order of an Inspector of motor vehicles or a police officer, for the figure "2", the figure "5" shall be substituted ;

(iii) against entry number 17 relating to fee for a copy of any document or order against which an appeal is made, for the figure "1", the figure "2" shall be substituted;

(iv) in entry number 20 relating to fee for temporary permit for one region, only,—

(1) against part (i), for the figure "2", the figure "5" shall be substituted;

(2) against part (ii), for the figure "1", the figure "2" shall be substituted;

(v) in entry number 21 relating to fee for temporary permit if valid for more than one region:—

(1) against part (i), for the figure "4", the figure "8" shall be substituted;

(2) against part (ii), for the figure "2", the figure "4" shall be substituted;

(f) after entry number 21-A, the following new entry shall be inserted namely:—

"21B(i) Fee for countersignature of a permit or for renewal thereof—

Rs. Rule.

(a) for a stage carriage permit. 150/- 89(c)(i)

(b) for a contract carriage permit. 50/- 89(c)(ii)

(c) for a public carrier permit. 200/- 89(c)(iii)

(ii) Fee for countersignature of a temporary permit for heavy vehicles or renewal thereof—

	Rs. Rule
(a) for not more than two days.	3/- 89(cc)(i)
(b) for more than two days but not exceeding seven days	7/- 89 „ „
(c) for a period exceeding seven days, for every additional seven days or part thereof.	3/- „ „

(iii) Fee for countersignature of a temporary permit for light and medium vehicle— Rules.

(a) for the first seven days.	3/- 89 (cc) (ii)
(b) for every subsequent seven days or part thereof.	2/- „ „

(g) in column 3,—

(i) against entry number 23 relating to fee the driver's badge of a public service vehicle, for the figure "1" the figure "2", shall be substituted;

(ii) against entry number 29, relating to fee for duplicate driver's badge if lost or destroyed, for the figure "2", the figure "3" shall be substituted;

(iii) in entry number 30,—

(1) against part (i) relating to fee for conductor's badge, for figure "1". the figure "2" shall be substituted;

(2) part (ii) relating to fee for the duplicate conductor's badge, for the figure "2", the figure "3" shall be substituted.

[Published in Rajasthan Gazette Extraordinary-dated 28-6-63, Home B, Department Part IV (Ga) Page 345]

Notification No. F. 1 (1)/17/H (B-Gr-1)/61.—In exercise of the powers conferred by section 41 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939, the State Government hereby makes the following amendment in Rajasthan Motor Vehicles Rules, 1951, the same having been republished as required by sub section (1) of section 133 of the said Act, namely:—

### AMENDMENT

In the First Schedule to the said Rules, in the third column, after the group of letters 'RJ', the word and the group of letters 'RS' shall be inserted and after the entry of as amended, the following note shall be added, namely:—

Note.—The group of letters 'RS' shall be used by the Registering Authority in the allotment of a Registration mark for a vehicle when the number of vehicles registered in the district has reached 9999.

[Pub. in Raj. Gazette Extraordinary Home 'B' Department, dated 11-7-63]

Notification No. F. 1 (2)/2/HB-Gr. I/63.—In exercise of the powers conferred by section 41 read with section 38 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the State Government hereby makes the following amendments to the Rajasthan Motor Vehicles Rules 1951, the same having been pre-published as required by Sub-Section (1) of section 133 of the said Act, namely:—

### AMENDMENTS

In the said rules,—

1. In rule 71,

(i) for sub-rules (a), (b) and (c), the following sub-rules shall be substituted, namely:—

(a) **Certificate of fitness Issue and renewal of**—A certificate of fitness under section 38 of the Act, shall be granted or renewed in each District by a 'Board of Inspection' (hereinafter called the Board) consisting of the following, namely:—

(i) Mechanical Inspector of the Transport Department, and

(ii) Magistrate of the area nominated by the Registering Authority.

In the event of a difference of opinion between the two members of a Board of Inspection regarding the fitness of a vehicle, the decision of the Board shall be deemed to be that the vehicle is not fit, and an order shall be made in the name of the Board refusing to grant or renew the certificate of fitness or cancelling the certificate of fitness.

(b) **Form of application for grant or renewal**,—Application for the grant or renewal of a certificate of fitness shall be presented to the Board in whose functional area the vehicle is kept.

Application for the grant of a certificate shall be in Form CFA and for the renewal thereof in Form CFRA.

(c) **Date of inspection**.—The Board shall while granting or renewing a certificate of fitness shall also endorse the date, time and place appointed for the next inspection of the vehicle and the owner shall cause the vehicle to be produced accordingly;

Provided that the vehicle need not be so produced if the owner does not want to get the certificate renewed or if the vehicle is transferred to and kept in the area of another Board; in either case the owner shall before the date fixed for inspection inform the Board which made the endorsement in writing that he does not propose to produce the vehicle, giving the reason.

(ii) in sub-rule (d), for the words "appropriate authority" "the Board" shall be substituted;

(iii) in sub-rule (i) the words "and the Board" shall be inserted between the words "Inspector of Motor Vehicles" and the word "may".

2' in rule 73,—

(i) in sub-rule (a) for the words "the authority by whom the certificate was issued or last renewed" the words "the Board" shall be substituted.

(ii) in sub-rule (b) for the word "authority" the words "the Board" shall be substituted.

3. (i) in sub rule (a) of rule 74 the words "and the Board" shall be inserted between the words "authority" and "shall";

(ii) in sub-rule (b) of rule 74, for the words "Inspector of Motor Vehicles" the words "the Board" shall be substituted.

4. in the Forms CFA and CFRA for the words "The Registering Authority/Inspector of Motor Vehicles" the words "The Board of Inspection" shall be substituted.

5. in the Form CFA, CFRA and CF, for the figures '72' the figures '71' shall be substituted.

[Pub in Raj. Gaz. Part 4 (Ga) Dt. 19-11-64]

Home 'H' Gr I Department

Jaipur, November 10, 1964

Notification No. F. 1(3)(5) HB. 1/62.—In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the State Government hereby makes the following amendments to the Rajasthan Motor Vehicles Rules, 1951, the same having been previously published as required by sub-section (1) of section 133 of the said Act, namely :—

#### AMENDMENTS

After rule 106-B of the said Rules, following new rule shall be added, namely :—

I-106 C-Temporary authorisation in lieu of permit :—

(1) When the holder of a permit has submitted Part A or Part B or both of the permit to the State Transport Authority or a Regional Transport Authority for renewal or countersignature of the permit for or any other purpose or when a police officer or any Court or other competent authority has taken temporary possession of a permit from the holder thereof for any purpose, the State Transport Authority or Regional Transport Authority or the Police officer or the Court or other competent authority, as the case may be shall furnish to the holder a receipt for the permit and a temporary authorisation in Form "Tem. P. A" to ply the vehicles during such period as may be specified in the said temporary authorisation, and during the said period the production of the temporary authorisation on demand shall be deemed to be production of the permit :

Provided that the authority by which the temporary authorisation was granted shall extend the period for which the temporary authorisation is to remain valid until the permit is returned but such extension shall not beyond the period of validity of the permit.

(2) Until a permit referred to in sub-rule (i) has been returned to the holder thereof, the vehicles concerned shall not be plied beyond the period as specified in the temporary authorisation referred to in sub-rule (1) or as the case may be, as extended under the proviso to that sub-rule.

(3) No fee shall be payable in respect of such temporary authorisation.

2. In the said rule, after Form P. Tem. the following new Form shall be inserted, namely :

“FORM Temp. P. A.”

(See Rule 108C of the Rajasthan Motor Vehicles Rules, 1951)

Temporary authorisation to ply Motor Vehicle

1. Received the permit hereunder prescribed :—

Part A

(1) —————

Part B

Part A and B

(2) Name of holder . . . . .

(3) Father's name.... ..

(4) Present address.... ..

(5) Registration mark of Vehicle.... ..

(6) No. of permit.... ..

State Transport Authority

(7) Issued by —————

Regional Transport Authority

(8) Route/area for which the permit is valid.... ..

(9) Authorised carrying capacity or pay load.... ..

(10) Any other special condition appended to the permit which the authority granting this authorisation may like to specify.... ..

(11) Date of expiry.... ..

The holder is hereby authorised to ply the said Vehicle in the said route/area. He is exempted from the obligation to produce or to exhibit in the Vehicle the permit so long as he is using the Vehicle in accordance with this authorisation which he shall produce on demand in lieu of the permit.

3. This authorisation shall be valid until.... ..196

SEAL

Dated... ..196

Signatures and Designation of the  
authority granting the authorisation.

The above authorisation is hereby extend up to the.... day of

.... ..196.... ..on the same conditions as above.

SEAL

Dated.... ..196

Signature and Designation of the  
authority granting the authorisation.

Strike out that which is inapplicable.

गृह-ख-ग्रुप-१ विभाग

जयपुर अगस्त ३१, १९६५

विज्ञप्ति संख्या एफ. १ (३) (६) गृह-ख-१ / ६५:—राजस्थान मोटर व्हिकल्स एक्ट, १९६५ की धारा २२ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राजस्थान सरकार, एतद्द्वारा, राजस्थान मोटर व्हिकल्स टेक्नेशनल्ल्स, १९५१ में निम्नलिखित संशोधन करती है :—

(१) उक्त नियमों के नियम २४ में शब्दों “Every Police Officer or Officer of of the Transport Department” के स्थान पर शब्द “Every Police Officer not below the rank of a Head Constable and the officer of the Transport Department, not below the rank of a Sub-Inspector”, प्रतिस्थापित किये जायेंगे।

(२) उक्त नियमों के नियम २४ के पश्चात् निम्नलिखित नया नियम निविष्ट किया जायेगा, अर्थात्:—

“A. Power of Entry ;—

For the purpose of section 18, the prescribed rank not below which a police officer may exercise powers of entry under that section shall be that of Head Constable”,

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 16-12-65-Page 476]

Home ‘B’ (1) Department

Jaipur, March 24, 1966

Notification No. F. 4 / (45)/H(B-Gr-I)/64 —In exercise of the powers conferred by section 41 read with section 38 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the State Government hereby makes the following amendment to the Rajasthan Motor Vehicles Rules, 1951, the same having been previously published in the Rajasthan Rajpatra No. 27, dated 30.9.1965 on page 61-62 Part III (B), namely:—

#### AMENDMENT

In clause (a) of rule 74 of the Rajasthan Motor Vehicles Rules, 1951, after the expression, ‘Registering Authority’ the following shall be inserted, namely :—

“the authorities prescribed under rule 67”

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 21-4-66 Page 58(8)]

Home ‘B’ (1) Department

Jaipur, December 14, 1966.

Notification No F. 1 (3)/8/H(B-Gr-I)/66.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 70 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the State Government hereby makes the following amendment to the Rajasthan Motor Vehicles Rules, 1951 the same having been previously published in the Rajasthan Gazette dated the 11th August, 1966, Part III (B), namely :—

## AMENDMENT

For sub-rule (b) of rule 173, the following shall be substituted namely :—

“(b) Transport Vehicles.—The over-hang of a transport vehicle with two axles shall not exceed fifty per cent of the wheel base subject to overall length of 30’ (ft). The over-hang of a transport vehicle with more than two axles shall not exceed 25% of the distance from a line taken through the centre of the front axle to the first point from which the over-hang is to be measured according to sub rule (d)”.

[Pub. in Raj. Gaz 4 (Ga)-Dt. 15-12-66—Page 453(11)]

Home ‘B’ (1) Department

Jaipur, December 14, 1966.

Notification No. F. 1(3)/15/H(B-Gr-I)/66.—In exercise of the powers conferred by section 41 of Motor Vehicles Act, 1939 (Central Act 4 of 1939) the State Government hereby makes the following amendments to the Rajasthan Motor Vehicles Rules, 1951, the same having been previously published in the Rajasthan Gazette No. 18, dated the 4th August, 1966 Part-III (B), namely :—

## AMENDMENT

In rule 68 the of said rules:—

“(i) in the heading, after the expression ‘Hire Purchase agreement’ the expression “or hypothecation”, shall be inserted.

“(ii) in clause (a) after the expression “for making a note of the Hire Purchase agreement” the expression “or endorsement of hypothecation” shall be inserted.

[ Pub. in Raj. Gaz. 4 [Ga] Dt. 15-12-66 Page 453(12)]

Home ‘B’ (1) Department

Jaipur, September 18, 1967.

Notification No. F. 1 (2)/2/H(B-Gr-I)/63.—In exercise of the powers conferred by section 41 read with section 38 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the State Government hereby makes the following amendments to the Rajasthan Motor Vehicles Rules, 1951, the same having been previously published as required by sub-section (1) of section 133 of the said Act in the Rajasthan Rajpatra (Extraordinary) dated 22-8-1966 of Part IV (C), namely;—

## AMENDMENTS

In the Rajasthan Motor Vehicles Rules, 1951:—

1. In rule 71 :—

“(i) for sub-rules (a), (b) and (c), the following sub-rules shall be substituted, namely :—

“(a) Certificate of Fitness—Issue and renewal of:—A certificate of fitness under section 38 of the Act shall be granted or renewed by the Mechanical Inspector of the Transport Department.

In cases where the Mechanical Inspector feels that a vehicle is not fit to be passed, he shall refer the case to the Regional Transport Officer, incharge of the region to check up the vehicles for grant of fitness Certificate. The Mechanical Inspector will draw up a note in triplicate (in form CFRR-II) of the checking in cases where he does not find a vehicle fit for use, and hand over one copy to the concerned party with the direction to produce the vehicle to the Regional Transport Officer within 15 days from the date of receipt of the note, one copy thereof shall be forwarded to the Regional Transport Officer and the third copy will be retained by him. On production of the vehicle before the Regional Transport Officer, the Regional Transport Officer shall get the defects removed and issue fitness Certificate a copy whereof shall be forwarded to the Mechanical Inspector concerned.

(b) Forms of application for grant or renewal :—Application for the grant or renewal of a Certificate of Fitness shall be made to the Mechanical Inspector in whose function area the vehicle is kept.

Application for the grant of Certificate shall be in Form CFA and for the renewal thereof in Form CFRA.

(c) Date of next inspection—Endorsement on Certificate:— The authority to whom a Certificate of fitness was issued, or renewed shall also endorse the date, time and place appointed for the next inspection of the vehicle and the owner shall cause the vehicle to be produced accordingly:

Provided that the vehicle need not be so produced if the owner does not want to get the Certificate renewed, if the vehicle is transferred to and kept in the functional area of another Mechanical Inspector and in either case the owner shall before the date fixed for inspection inform the Mechanical Inspector which made the endorsement in writing, that he does not propose to produce the vehicle giving the reasons.

(ii) In sub-rule (d) for the words “the Board” the words “Mechanical Inspector/Regional Transport Officer, incharge of the Region” shall be substituted.

(iii) In sub-rule (i) for the words “Board” the words “Mechanical Inspector/Regional Transport Officer” shall be substituted,

2. In rule 73—

(i) In sub-rule (a) for the words “the Board” the words “the authority by whom the certificate was issued or last renewed” shall be substituted.

(ii) In sub-rule (b) for the words "the Board" the words "the authority by whom the certificate was issued or last renewed" shall be substituted.

3. In rule 74—

(i) In sub-rule (a) the words "and the Board" shall be deleted.

(ii) For sub-rule (b) the following shall be substituted:—

"(b) Appeal in respect of fitness Certificate:—Any person aggrieved by any order made by the Regional Transport Officer in respect of a Certificate of Fitness may within fifteen days of the date on which he has received notice of such orders appeal against the order the Deputy Director of Transport.

5. In the Form CFA and CFRA for the words "the Board of Inspection" the words "Mechanical Inspector/Regional Transport Officer" shall be substituted.

6. In the Eighth Schedule—

(a) for item 13, the following shall be substituted, namely:—

"13. Fee for Certificate of Fitness:—Rule 71 (h)

(i) Light Motor Vehicles used for hire or reward. Rs. 40/-

(ii) Transport Vehicle other than light motor vehicles. Rs. 60/-

(b) For item 14, the following shall be substituted, namely:—

"14. Fee for renewal of Certificate of Fitness Rule 71 (h)

(i) Light Motor Vehicles used for hire or reward. Rs. 20/-

(ii) Transport Vehicle other than light motor Vehicles. Rs. 40/-

#### FORM CFRR—II

(Rule 71 of the Rajasthan Motor Vehicles Rules, 1951)

Reference by the Mechanical Inspector to the Regional Transport Officer for grant of Fitness Certificate.

1. Name and Address of Owner. 2. Registration Mark of Vehicle.

3. Make and Model. 4. Type of Vehicle.

5. Date of Inspection.

After inspection I find that the vehicle described above fails in my opinion to comply with the provisions of Chapter V of the Motor Vehicles Act, 1939 and is unfit for use by reason of the following defects:—

- 1.
- 2.
- 3.
- 4.
- 5.

I have therefore, impounded the Certificate of Fitness. The vehicle in question is therefore, referred to the Regional Transport Officer.....  
 .... Region as required by rule 71 of the Rajasthan Motor Vehicles Rules, 1951.

The owner is, hereby directed to produce the vehicle before the Regional Transport Officer,.....Region, within 15 days.

The vehicle shall not be used in a public place without the permission of the Regional Transport Officer,.... . ....after the expiry of the period specified above, if the owner fails to produce the vehicle within this period.

Date.....

Signature of Area Mechanical Inspector,  
Transport Department.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 28-9-67 Page 747]

# The Rajasthan State Road Transport Services (Development) Rules, 1960.

Home (B-I) Department

## NOTIFICATION

Jaipur, August 16, 1960.

No. F. I (4) (14) HB-Gr. I/60—In exercise of the powers conferred by Section 68-I of the Motor Vehicles Act, 1939 (Central Act IV of 1939), the State Government hereby makes the following Rules, the same having been previously published in Home 'B' I Department Notification No. D. 4219/F. 1 (4)/14/HB/59, dated Jaipur, June 4, 1960, published in Rajasthan Gazette, Extraordinary, dated 4th June, 1960.

1. *Short title and commencement.*—(1) These Rules shall be called the Rajasthan State Road Transport Services (Development) Rules, 1960.

(2) They shall come into force at once.

(3) They shall apply to the State Transport Undertaking carried on by the State Government of Rajasthan and matters and persons concerned there with.

### Notes.

Chapter IV A containing special provisions relating to State Transport undertakings has been newly added to the Motor vehicles Act, 1939 through Act No. 100 of 1956. Section 68 I of the Act authorises the State Government to make rules for the purpose of carrying into effect the provisions of Chapter IV A. The rules so framed may provide for following matters:—

(a) the form in which any scheme or approved scheme may be published under section 68-C or sub-section (3) of section 68-D;

(b) the manner in which objections may be filed under sub-section (1) of section 58-D;

(c) the manner in which objections may be considered and disposed of under sub-section (2) of section 68-D,

(d) the manner of service of orders under this Chapter:

(e) any other matter which has to be, or may be, prescribed].

These rules are meant to provide for matters specified in aforesaid clauses (a) to (d) of sub-section (2) of section 68 I of the Act.

2. *Definitions.*—(1) In these Rules, unless there is anything repugnant in the subject or context:

(a) "the Act" means the Motor Vehicles Act, 1939 (Central Act IV of 1939);

(b) "form" means a form appended to these Rules;

(c) "General Manager" means the General Manager of the Rajasthan State Roadways, appointed by the State Government and includes any other officer who may be authorised by the State Government to perform the functions of the General Manager;

(d) "Scheme" means a Scheme framed in pursuance of Sec. 68-C of the Act;

(e) "State Transport Undertaking" means any Undertaking providing Road Transport Service where such Undertaking is carried on by the Government of Rajasthan and includes Sirohi Motor Service, Sirohi and State Transport, Rajasthan, Abu Road. The State Transport Undertaking shall be known as Rajasthan State Roadways.

(2) Words and expressions defined in the Motor Vehicles Act 1939 (Central Act IV of 1939) and used in these Rules, shall have the meanings respectively assigned to them in the said Act.

3. *Preparation of the Scheme.*—(1) A Scheme under Sec. 68 C of the Act will be prepared by the General Manager representing the State Transport Undertaking.

(2) Every Scheme will provide for all or any of the following matters, namely:—

- (a) The route or area or any portion thereof, on which the Road Transport Service is proposed to be provided;
- (b) the nature of the Road Transport Service to be provided on the route or area or any portion thereof;
- (c) The date on which the State Road Transport Service will commence to operate;
- (d) The prohibition, restriction or curtailment of transport services other than those under the Scheme;
- (e) Whether the Road Transport Service shall be run and operated to the exclusion, complete or partial, of other persons or otherwise;
- (f) The extent, if any, to which persons other than the State Transport Undertaking will be permitted to provide road transport service on the route, area or any portion thereof, specified in clause (a);
- (g) The type and carrying capacity of the transport vehicles to be used in such services.
- (h) The cancellation or modification of, or refusal to renew the existing permits granted under Chapter IV of the Act;
- (i) The reduction in the number of transport vehicles plying on the route;
- (j) The curtailment of the route or portion thereof covered by the existing permits or making permits in-effective in respect of the route or portion thereof;
- (k) Giving of compensation if any;
- (l) Convenience and amenities for the passengers;
- (m) Such other consequential or incidental matters as may appear necessary or expedient for the purposes of the Scheme including rates of fares.

4. *Publication of the Scheme.*—The Scheme shall be published in the official Gazette in Form I.

(2) The General Manager shall cause a copy of the Scheme to be pasted on the Notice Board of the State Transport Authority and another at the office of the Regional Transport Authority concerned.

*Notes.*

Section 68 C. of the Act provides that,

Where any State transport undertaking is of opinion that for the purpose of providing an efficient, adequate, economical and properly co-ordinated road transport service, it is necessary in the public interest that road transport services in general or any particular class of such service in relation to any area or route or portion thereof should be run and operated by the State transport undertaking, whether to the exclusion, complete or partial, of other persons or otherwise, the State transport undertaking may prepare a scheme giving particulars of the nature of the services proposed to be rendered, the area or route proposed to be covered and such other particulars respecting thereto as may be prescribed and shall cause every such scheme to be published in the official Gazette and also in such other manner as the State Government may direct.

Rules 3 and 4 prescribe the matters required to be prescribed under section 68-C of the Act,

5. *Manner of filing objections.*—(1) Any person wishing to file objections under Sec. 68.—D of the Act, shall do so in the form of a memorandum, in duplicate, setting forth concisely, the grounds of objection to the Scheme.

(2) The memorandum of objections shall be addressed to the Secretary to the Government of Rajasthan in the Transport Department.

(3) A copy of the memorandum shall be sent by the objector to the General Manager.

(4) The memorandum of objections shall also contain the following information:—

- (a) full name and address of the objector on which service of notice or order under these Rules may be made;
- (b) whether or not such person is holder of permit issued under the provisions of the Act;
- (c) the particulars of the route or routes or area or zone specified in such permit or permits.

6. *Agreement to Scheme by permit-holders.*—A permit holder who agrees to the Scheme in so far as it makes any provision about him, may express his agreement by filing a statement in Form II

7. *Consideration and disposal of objections.*—(1) The objections received shall be considered by such officer as is authorised to do so, by or under the Rules made by the Governor in pursuance of clause (3) of Article 166 of the Constitution of India;

(2) The said officer shall fix the date, time and place of the hearing of objections and issue notices thereof, to the objectors and the General Manager, asking them to appear before him in person or through a duly authorised agent;

4 ] Raj. State Road Transport Services (Development) Rules, 1960.

(3) The notices under Sub-Rule (2), shall be sent by registered post and shall be posted at least fourteen days before the date fixed for hearing;

(4) No withstanding anything in Sub-Rule (3), a general notice may also be given regarding the date, time and place of hearing of objections by publication thereof in the official Gazette and where notice has been issued in this manner, it shall be presumed that all the parties concerned, have been duly intimated;

(5) No objector shall be entitled to be heard by the State Government unless the objections are made in accordance with the provisions of these Rules;

(6) After the hearing of such parties as appear, the Officer shall give a decision whether the Scheme should be approved or modified as he may deem proper.

8. *Publication of the approved Scheme.*—Subject to the proviso to sub-section (3) of Sec. 68-D of the Act, the Scheme so approved or modified, shall be published in the official Gazette in Form III.

9. *Consequences on publication of the Scheme.*—Upon the publication of the Scheme under sub-section 3 of Sec. 68-D of the Act, the consequences as hereinafter stated, shall have effect in respect of the notified route or area or portion thereof;

(a) No person (other than the State Transport Undertaking either singly or in conjunction with Railways) shall be entitled to a permit under Chapter IV of the Act;

(b) The General Manager or an officer authorised by him may specify the number of transport vehicles, if any, for which temporary permits may be granted or countersigned in favour of persons other than the State Transport Undertaking to meet a temporary need.

(c) The General Manager shall communicate the Scheme published under Rule 8 to the Regional Authority or to each Regional Transport Authority concerned and the Regional Transport Authority or each such Regional Transport Authority as the case may be, shall give effect to the approved scheme forthwith.

*Notes*

Rules 5, 6, 7, 8, and 9 are meant to put into effect the requirements of section 68 D of the Act which reads as under.

(1) Any person affected by the scheme published under section 68. C may, within thirty days from the date of the publication of the scheme in the official *Gazette*, file objections thereto before the State Government.

(2) The State Government may, after considering the objections and after giving an opportunity to the objector or his representatives and the representatives of the State Transport undertaking to be heard in the matter, if they so desire, approve or modify the scheme.

(3) The scheme as approved or modified under sub-section (2) shall then be published in the official *Gazette* by the State Government and the same shall there-

upon become final and shall be called the approved scheme and the area of route to which it relates shall be called the notified area or notified route.

Provided that no such scheme which relates to any inter-State route shall be deemed to be an approved scheme unless it has been published in the official *Gazette* with the previous approval of the Central Government.

10. *Manner of service of orders under Chapter IV-A of the Act.*—Every order under Chapter IV-A of the Act shall be served:

(a) by tendering or delivering a copy thereof to the person on whom it is to be served or his agent, if any, or

(b) by sending it by registered post at the last known address of the person on whom it is to be served, or,

(c) by affixing it on some conspicuous place of his last known residence or place of business in case the above two methods are considered impracticable.

11. *Determination and payment of compensation.*—(1) the amount of compensation payable under section 68 G of the Act shall be determined and sanctioned on behalf of the State Transport Undertaking by the General Manager.

(2) A copy of the order sanctioning payment and the amount of compensation and the interest which may be payable thereon, shall be endorsed to the Accountant General, Rajasthan, by the Officer referred to in sub-rule (1) to enable the Accountant General to admit the charges in audit.

(3) The General Manager shall draw the amount of compensation and the amount of interest if any, from the Treasury quoting the order sanctioning the charges on the contingent bill form and attaching thereto an attested copy of the sanction.

(4) The payment of compensation shall be made through the Collector of the District in which the permit holder resides and the Collector making such payment shall obtain a receipt in full satisfaction of his claim.

12. *Contravention of the approved Scheme prohibited.*—(1) No person shall use or cause to be used a transport vehicle, on the notified route or area or portion thereof in contravention of the provisions of the approved Scheme;

(2) Nothing in this Rule shall apply to the use of a transport vehicle in emergency for the conveyance of a person suffering from sickness or injury or for the transport of dead body or for the transport of medical supplies to relieve distress, provided that the person operating the vehicle shall report, within seven days, such use to the Registering Authority of the Region in which he does so.

#### FORM I

(See Rules 3 and 4)

Whereas the State Transport Undertaking known as the Rajasthan State Roadways is of opinion that for the purpose of providing an efficient, adequate, economical and properly co-ordina-

ted road transport service, it is necessary in the public interest that Road Transport Service on the route/s mentioned in clause 2 of the annexed scheme should be run and operated by the State Transport Undertaking to the complete exclusion of other persons.

Now, therefore, in exercise of the powers conferred by Section 68-C of the Motor Vehicles Act, 1939 (Central Act IV of 1939), and in pursuance of Rules 3 and 4 of the Rajasthan State Road Transport Services (Development) Rules, 1960, the Schemes hereto annexed in respect of State Road Transport Service to be run and operated by the State Transport Undertaking is/are hereby published. Copies of the Scheme/Schemes will also be found pasted on the Notice Boards of the offices of the State Transport Authority and the Regional Transport Authorities concerned. Any person whose interests are affected by the Scheme/these Schemes, may within 30 days of the date of publication of the Scheme/s in the Official Gazette, file objections, if any, before the Secretary to the Government of Rajasthan in the Transport Department in accordance with the procedure laid down in Rule 5 of the above mentioned Rules. A person effected by the Scheme and agreeing to its provisions may express his agreement in accordance with Rule 6 of the said Rules.

General Manager,  
Rajasthan State Roadways.

#### SCHEME

- (1) The State Road Transport Service shall commence to operate from..... ..or thereafter.
- (2) State Road Transport Service shall be provided on route/area/portion of the route of ..... Region.
- (3) (Nature & extent).....State Road Transport Services are to be provided on the route or the portion thereof mentioned in clause (2) above. The provision of transport services otherwise than under the Scheme is prohibited/restricted to..... ..
- (4) ..... Person other than the State Transport Undertaking will be permitted to provide.... ..road transport services on the route or the portion thereof specified in clause (2) above.
- (5) ..... Road Transport Services will, subject to the provisions made in the subsequent clauses, be provided by the State Transport Undertaking exclusively/in conjunction with others.
- (6) The transport vehicles which may be used on the route indicated in clause (2) above shall be of .....type and their carrying capacity shall be.....
- (7) The permit No./Nos. .... which has/have/teen granted to ..... under Chapter IV of the Motor Vehicles Act, 1939 shall be cancelled/shall be modified to the extent that.....

- (8) The number of transport vehicles plying on the route or portion thereof specified in clause (2) above shall be reduced to.....
- (9) The route covered by permit No./Nos./ shall be curtailed so as to exclude permit No. The holder of permit No./Nos. ....shall get compensation for premature cancellation of, or curtailment of any route or area covered by the aforesaid permit/s. But no compensation shall be payable if any alternative route is offered by Regional Transport Authority concerned and accepted by the permit-holder.
- (10) The following conveniences and amenities shall be provided to the passengers .....

.....

.....

Any other consequential or incidental matters necessary or expedient for the purposes of the Scheme, including rates of fares.

General Manager,  
Rajasthan State Roadways.  
Secretary to Government  
Home (Transport) Department,  
Rajasthan (as the case may be).  
By Order of the Governor,  
ZORAWAR SINGH,  
Home Secretary to the Government  
of Rajasthan.

FORM II  
(See Rule 6)

Statement of the permit holder agreeing to the Scheme.

To.

The Secretary to the Government of Rajasthan,  
Transport Department, Jaipur.

Dear Sir,

With reference to the Notification No.....  
dated..... published in the Rajasthan Gazette, dated  
.....I..... Son of ..... holder of permit  
No..... valid for ..... route/s/hereby agree to the  
Scheme and/or making my permit in-effective in respect of speci-  
fied portion of the route/s/the curtailment of route or area covered  
by the permit/s/payment of compensation in lieu of the cancellation  
of the permit for the remainder period of its validity.

Yours faithfully,

Signature of the Permit-holder.

Copy to the:—

1. The General Manager, Rajasthan State Roadways, Jaipur.
2. The Regional Transport Authority concerned.

FORM III

(See Rule 8)

NOTIFICATION

Whereas the Rajasthan State Roadways (the State Transport Undertaking) had in pursuance of Section 68-C of the Motor Vehicles Act, 1939 published a Scheme in the official Gazette No ..... dated.....

And whereas the objections received thereto have been duly considered;

Now, therefore, in exercise of the powers conferred by subsection (3) of Section 68-D of the Motor Vehicles Act, 1939, and in pursuance of Rule 8 of the Rajasthan State Road Transport Services (Development) Rules, 1960, the State Government hereby publishes the said Scheme duly approved/modified as follows:—

THE SCHEME

(Final Scheme, as per form I)

By Order of the Governor,

ZORAWAR SINGH,

Home Secretary to the Government.

—x x x x x x x—

# RAJ. MOTOR ACCIDENTS CLAIMS TRIBUNALS RULES, 1964

*Notification No. F. 1 (13)/32/HB·Gr. 1/62.*—In exercise of the powers conferred by section 111-A of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the State Government hereby makes the following rules, the same having been published as required by sub-section (1) of section 133 of the said Act, namely:—

1. *Short title, extent and commencement.*—(1) These rules may be called the Rajasthan Motor Accidents Claims Tribunals Rules, 1964

(2) These rules extend to the whole of the State of Rajasthan.

(3) These rules shall come into force on the 1st June, 1954.

2. *Definitions.*—In these rules, unless the context otherwise requires:—

(a) “Act” means the Motor Vehicles Act, 1939 (Central Act 4 of 1939);

(b) “Claims Tribunal” means a Motor Accidents Claims Tribunal constituted under section 110 of the Act;

(c) “Legal representatives” shall have the meaning assigned to it under clause (11) of section 2 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

3. *Applications.*—Every application for payment of compensation made under section 110-A shall be made in the Form appended to these rules and shall be accompanied by the fee prescribed therefor in rule 22.

4. *Examination of applicant.*—On receipt of an application under rule 3, the Claims Tribunal may examine the applicant on oath, and the substance of such examination, if any, shall be reduced to writing.

5. *Summary dismissal of application.*—The Claims Tribunal may, after considering the application and the statement, if any, of the applicant recorded under rule 4 dismiss the application summarily, if for reasons to be recorded, it is of the opinion that there are no sufficient grounds for proceeding therewith.

6. *Notice to parties involved.*—If the application is not dismissed under rule 5, the Claims Tribunal shall send to the

owner of the motor vehicle involved in the accident and its insurer, a copy of the application together with a notice of the date on which it will hear the application, and may call upon the parties to file a written statement and to produce on that date any evidence which they may wish to tender.

7. *Appearance and examination of parties.*—(1) The owner of the motor vehicle and the insurer may, and if so required by the Claims Tribunal shall at or before the first hearing or within such further time as the Claims Tribunal may allow, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the owner or the insurer contests the claim, the Claims Tribunal may and if no written statement has been filed, it shall, proceed to examine the owner and the insurer upon the claim and shall reduce the substance of the examination to writing.

8. *Framing of issues.*—After considering any written statement, the statement of the parties, the Claims Tribunal shall proceed to frame and record the issues upon which the right decision of the case appears to it to depend.

9. *Determination of issues.*—After framing the issues, the Claims Tribunal shall proceed to record evidence thereon which each party may desire to produce.

10. *Diary.*—The Claims Tribunal shall maintain brief diary of the proceedings on an application.

11. *Appearance of legal practitioner.*—The Claims Tribunal may, in its discretion, allow any party to appear before it through a legal practitioner.

12. *Local inspection.*—(1) The Claims Tribunal may, at any time during the course of any inquiry before it, visit the site at which the accident occurred for the purpose of making a local inspection for examining any persons likely to be able to give information relevant to the proceeding.

(2) Any party to a proceeding or the representative of any such party may accompany the Claims Tribunal for a local inspection.

(3) The Claims Tribunal after making a local inspection shall note briefly in a memorandum any facts observed, and such memorandum shall form part of the record of inquiry.

(4) The memorandum referred to in sub rule (3) may be shown to any party to the proceedings who desires to see it and a copy thereof may, on application, be supplied to any such party.

13. *Inspection of the vehicle.*—The Claims Tribunal may, if it thinks fit, require the motor vehicle involved in the accident to be produced by the owner for inspection at a particular time and place to be mentioned by it, if necessary, in consultation with the owner.

14. *Power of summary examination.*—(1) The Claims Tribunal during a local inspection or at any other time, save at a formal hearing of a case pending before it, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) No oath shall be administered to a person examined under sub-rule (1).

15. *Summoning of witnesses.*—If an application is presented by any party to the proceeding for the summoning of witnesses, the Claims Tribunal shall, on payment of the expenses involved, if any, issue summons for the appearance of such witnesses, unless it considers that their appearance is not necessary for a just decision of the case.

16. *Method of recording evidence.*—The Claims Tribunal shall as examination of witnesses proceeds, make a brief memorandum of the substance of the evidence of such witness and such memorandum shall be written and signed by the members of the Claims Tribunal and shall form part of the record :

Provided that the evidence of any medical witness shall be taken down as nearly as may be word for word.

17. *Adjournment of hearing.*—If the Claims Tribunal finds that an application cannot be disposed of at one hearing, it shall record the reasons which necessitate the adjournment and also inform the parties present of the date of adjourned hearing.

18. *Co-opting of persons during inquiry.*—(1) The Claims Tribunal may, if it thinks fit, co-opt one or more persons possessing special knowledge with respect to any matter relevant to the enquiry.

(2) The remuneration, if any, to be paid to the person/persons co-opted shall in every case be determined by the Claims Tribunal.

19. *Judgement and award of compensation.*—(1) The Claims Tribunal, in passing orders, shall record concisely in a judgement the findings on each of the issues framed and the reasons for such findings and make an award specifying the amount of compensation to be paid by the insurer and also the person or persons to whom compensation shall be paid.

(2) Where compensation is awarded to two or more persons, the Claims Tribunal shall also specify the amount payable to each of them.

20. *Code of Civil Procedure to apply in certain cases.*—The following provisions of the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908) shall so far as may be, apply to proceedings before the Claims Tribunals, namely Order V, rules 9 to 13 and 15 to 30 : Order IX, Order XIII, rules 3 to 10; Order XVI, rules 2 to 21; Order XVII; and Order XVIII, rules 1 to 3.

21. *Form and number of appeals against the decision of Claims Tribunal.*—(1) An appeal against the award of a Claims Tribunal shall be preferred in the form of a memorandum stating concisely the grounds on which the appeal is preferred.

(2) It shall be accompanied by a copy of the judgement and the award appealed against.

22. *Fees.*—(1) Every application under sub-section (1) of section 110-A of the Act, for payment of compensation shall be accompanied by a fee of rupees ten in the form of court fee stamps.

(2) The Claims Tribunal may, in its discretion, exempt a party from the payment of fee prescribed under sub-rule (1) :

Provided that where a claim of a party has been accepted by the Claims Tribunal, the party shall have to pay the prescribed fee, exemption in respect of which has been granted initially before a copy of the judgement is obtained.

## FORM COMP. A.

Form of application for compensation

(See rule 3)

An application for compensation arising out of motor accident.

To

The Motor Accidents Claims Tribunal,

.....  
 ... residing at ... ..Applicant(s)

Versus

.....residing at.... ..Opposite party.

1. Full name(s)<sup>2</sup> of applicant(s)<sup>2</sup> with age;

1. Here specify the name of area for which Tribunal is concerned.

2. If death has resulted and legal representatives are more than one, mention all.

- (i)....      ....      ....      ....  
 (ii)....      ....      ....      ....  
 (iii)....      ....      ....      ....
2. If accident has caused death :  
 (a) relationship of each applicant with the deceased....      ....  
      ....      ....      ....      ....      ....      ....  
 (b) age of deceased      ....      ....      ....      ....      ....  
 3. Local address of applicant      ....      ....      ....      ....  
      ....      ....      ....      ....      ....      ....  
 4. Permanent address of applicant      ....      ....      ....      ....  
      ....      ....      ....      ....      ....      ....  
 5. Monthly income of injured person or deceased      ....      ....      ....  
      ....      ....      ....      ....      ....      ....  
 6. Nature of injuries sustained and disablement caused      ....  
      ....      ....      ....      ....      ....      ....      ....  
 7. Date and place of accident      ....      ....      ....      ....  
      ....      ....      ....      ....      ....      ....  
 8. Registration mark of the motor vehicle involved      ....      ....  
 9. Name and address (if known) of—  
     (a) driver of the motor vehicle      ...      ....      ....  
     (b) owner of the motor vehicle      ....      ....      ....  
     (c) insurer of the motor vehicle      .      ....      ....  
 10. Brief particulars of the accident      ....      ....      ....  
 11. Quantum of compensation claimed and basis thereof  
 12. Grounds on which compensation is claimed (mentioned  
     briefly the cause of action)      ....      ....      ....  
 13. Whether demand for compensation has been made, if so,  
     when and with what result....      ....  
 14. If claim for compensation is not made within sixty days  
     of the accident the grounds thereof....      ....

I hereby certify that the statement of facts contained above are true to the best of my knowledge and belief.

Dated.

Signature of claimant  
or authorised agent.

# RAJ. STATE ROAD TRANSPORT SERVICES (DEVELOPMENT) RULES, 1965.

Home 'B' Gr. I Department  
Jaipur, October 16, 1965

*Notification No. F.I(9)(20)HB. Gr. 1/62.*—In exercise of the powers conferred by section 68 (1) of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the State Government hereby makes the following rules, the same having been previously published in the Rajasthan Gazette Part III(B) dated 14-6-1965) as required by sub-section (1) of section 133 of the said Act, namely:—

1. *Short title and commencement.*—(1) These rules shall be called the Rajasthan State Road Transport Services (Development) Rules, 1965.

(2) They shall come into force on the date of its publication in the official Gazette.

(3) They shall apply to the State Transport Undertaking known as Rajasthan State Road Transport Corporation and matters and persons concerned therewith.

2. *Definitions.*—(1) In these rules, unless there is anything repugnant in the subject or context:—

(a) "The Act" means the Motor Vehicles Act, 1939 (Central Act IV of 1939).

(b) "General Manager" means the General Manager of the Rajasthan State Road Transport Corporation and includes any other officer who may be authorised by the State Government or the Corporation to perform the functions of the General Manager;

(c) "Scheme" means a scheme framed in pursuance of section 68-C of the Act;

(d) "State Transport Undertaking" means the Rajasthan State Road Transport Corporation established under section 3 of the Road Transport Corporation Act of 1950.

3. *Preparation of scheme.*—(1) A scheme under section 68-C of the Act will be prepared by the General Manager of the State Transport Undertaking.

4. *Particulars of scheme.*—The Scheme or approved scheme to be published in the Official Gazette as required under section

68-C or 68-D as the case may be; shall contain the following particulars:—

- (i) Name of route indicating its course and mileage;
- (ii) the number of vehicles proposed to be operated on each route;
- (iii) the total number of trips to be performed daily on each route; and
- (iv) the nature of services;
- (v) any other information which the General Manager wants to add,

5. *Manner of filing objections.*—(1) Any person wishing to file objection under section 68-D of the Act, shall do so in the form of a memorandum in duplicate, setting forth concisely the grounds of objection to the scheme within 30 days of the publication of the scheme in the Official Gazette.

(2) The memorandum of objections shall be addressed to the Secretary to the Government of Rajasthan in the Transport Department.

(3) A copy of the memorandum shall be sent by the objector to the General Manager.

(4) The memorandum of objections shall also contain the following information:—

- (a) Full name and permanent address of the objector;
- (b) Whether or not such person is a holder of permit issued under the provisions of the Act;
- (c) The particulars of the routes or area as specified in such permit or permits.

6. *Consideration and disposal of objections.*—(1) The objections received shall be considered by such officer as is authorised to do so, by or under the rules made by the Governor in pursuance of clause 3 of Article 166 of the Constitution of India.

(2) The said officer shall fix the date, time and place of hearing of objections and issue a general notice in the Official Gazette asking the objectors and the General Manager to appear before him in person or through a duly authorised agent and the publication of the notice in the Official Gazette shall be deemed to be the personal service on the parties.

(3) The notice under sub-Rule (2) shall be published at least 30 days before the date fixed for hearing.

(4) No objector shall be entitled to be heard by the State Government unless the objections are made in accordance with the provisions of these rules.

(5) After hearing objections the parties as may appear, the officer shall give a decision whether the scheme should be approved or modified as he may deem proper.

7. *Publication of the approved scheme.*—Subject to the proviso to sub-section (3) of section 68 D of the Act the scheme so approved or modified shall be published in the Official Gazette.

8. *Consequences on the publication of the Scheme.*—Upon the publication of the Scheme under sub-section (3) of section 68-D of the Act, the consequences as hereinafter stated, shall have effect in respect of the notified route or area or portion thereof—

(a) No person (other than the State Transport Undertaking either singly or in conjunction with other State Transport Undertakings) shall be entitled to a permit under Chapter IV of the Act.

(b) The General Manager or an officer authorised by him may specify the number of transport vehicles, if any, for which temporary permits may be granted or countersigned in favour of persons other than the State Transport Undertaking to meet a temporary need.

(c) The General Manager shall communicate the Scheme published under rule (7) to the Regional Transport Authority or to each Regional Transport Authority and each such Regional Transport Authority as the case may be, shall give effect to the approved scheme forthwith.

9. *Contravention of the approved Scheme prohibited.*—No person shall use or cause to be used a transport vehicle, on the notified route or area or portion thereof in contravention of the provisions of the approved Scheme.

(2) Nothing in this Rule shall apply to the use of a transport vehicle in emergency for the conveyance of a person suffering from sickness or injury or for the transport of dead body or for the transport of medical aid or Medicines supplied to relieve distress, provided that the person operating the vehicle shall report, within seven days, such use to the Registering Authority of the Region in which he does so.

10. *Giving effect to the approved scheme.*—(a) For the purpose of giving effect to the approved scheme, the Regional Transport Authority concerned shall forthwith cancel or modify or refuse to renew or make ineffective the existing permits in respect of the notified route or portion thereof and serve upon the holder of such permits notices to that effect.

(b) Simultaneously with, or subsequently to, the issue of notices under clause (a), the Regional Transport Authority concerned shall, if it considers it proper and decides to the holder of existing permits, an alternative route within the meaning of sub-section (2) of section 68-G of the Act, in lieu of compensation payable under sub-section (1) of the said section, issue ano-

ther notice to the holder of existing permits specifying the alternative route which is so offered to them and requiring them to convey their acceptance thereof within a period of fortnight of the service of the notices to them.

(c) In the case contemplated by clause (b) the Regional Transport Authority shall also publish a copy of the notice in the Official Gazette calling upon the holders of existing permits, for the proposal alternative routes to make representations in writing within 15 days of its publication, if any, in respect of the proposed offer.

(d) Any representations received by the Regional Transport Authority in pursuance of clause (c) within the time limit specified thereunder shall be taken into consideration by it and the authority may then pass such orders as it may deem fit:

(e) Nothing contained in Chapter IV of the Act or in the Rules made thereunder shall apply to the proceedings taken under these rules.

11. *Existing rules superseded.*—The Rajasthan State Road Transport Service (Development) Rules, 1960, are hereby superseded :

Provided that any action taken or orders passed under the said rules shall, so far as they are consistent with these rules, be regarded as taken or passed under these rules.

[ Pub. in Rajasthan Gaz. Ex. 4 (Ga) Dt. 16-10-65 at Page 410 (11) ]

Judicial Department

ORDER

Jaipur, 16, April 1965.

*No. F. 1 (8) Jud./55.*—In pursuance of section 7 (1) of the Rajasthan State Road Transport Services (Development) Rules, 1960, the Governor is pleased to order that the Joint Legal Remembrancer to the Government of Rajasthan shall consider objections to approval and modifications of, the Scheme, under section 68 (D) of the Motor Vehicles Act, 1939 (Central Act IV of 1939).

This is in supersession to this Department order No. F. 12 (1) LJ/B/60, dated the 13th October, 1960.

# The Rajasthan State Road Transport Corporation Motor Vehicles Third Party Liability Insurance Fund Rules, 1967.

Home 'B' Gr. I Department

Jaipur, April 17, 1967

*Notification No. F. 13 (5) (60) HB. Gr. I/64.*—In exercise of the powers conferred by proviso to sub-section (3) of section 94 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and with a view to provide for exemption of Rajasthan State Road Transport Corporation Motor Vehicles from the necessity for insurance against Third Party risk, and also to provide for expeditious settlement of claims for compensation for bodily injury and damage to property or person caused by such vehicles, the Government of Rajasthan hereby makes the following Rules, the same having been previously published in the Rajasthan Rajpatra dated 4-8-66, Part 3 (Kha) namely:—

1. *Short title and commencement.*—These rules shall be called the Rajasthan State Road Transport Corporation Motor Vehicles Third party Liability Insurance Fund Rules, 1967.

2. *Definitions*—In these Rules, unless there is anything repugnant in the subject or context:—

(a) "Fund" means the Motor Vehicles Third Party Liability Insurance Fund.

(b) "Undertaking" means the Rajasthan State Road Transport Corporation.

(c) "Corporation" means Rajasthan State Road Transport Corporation established under Section 3 of Road Transport Corporations Act.

(d) "Financial Year" means the Financial Year of the Undertaking.

(e) Word and expressions used but not defined in these Rules shall have the meanings assigned to them in the Motor Vehicles Act and the Rules framed thereunder.

3. *Establishment of Fund.*—The corporation shall establish a Fund by contributing to it every year such sum as may be specified by Government from time to time, to meet any liability arising out of the use of any vehicles of the Undertaking which the undertaking or any person in the employment of the Undertaking may incur to Third Parties.

4. *Use of the Fund.*—The Fund shall be used generally for meeting all Third Party Liabilities in respect of :—

(a) all claims including claimant's costs and expenses for which the Corporation shall become legally liable to pay, lodged against the Corporation in respect of :—

- (i) death or bodily injury to any person or passenger caused by or arising out of the use (including the loading and/or unloading) of the Motor Vehicles;
- (ii) damage to property caused by the use (including the loading and/or unloading) of the motor vehicles;
- (iii) any liability arising under the provisions of the Workmen's Compensation Act, 1923, in respect of the death of, or bodily injury to, any paid employee engaged in driving or otherwise in attendance or being carried in a motor vehicle;
- (iv) payment of medical expenses in respect of treatment of bodily injury to any paid employee engaged in driving or otherwise in attendance or being carried in a motor vehicle;
- (v) damage to property belonging to or held in trust by, or in the custody or control of the Corporation or an employee of the Corporation or being conveyed by a motor vehicle;

(b) but shall not be used to meet :—

- (i) liability in respect of death, injury or damage caused or arising out in connection with the bringing of the load to the motor vehicle for loading thereon or the taking away of the load from the motor vehicle after unloading therefrom;
- (ii) liability in respect of death or bodily injury to, any person in the employment of the Corporation arising out of, and in the course of such employment except so far as necessary to meet requirements of Section 95 of the Motor Vehicles Act (as amended by Act 100 of 1956);
- (iii) liability in respect of death of or bodily injury, to any person other than a passenger carried by reason of, or in pursuance of contract of employment being carried in or upon or entering or mounting or alighting from the motor vehicle at the time of the occurrence of the event out of which any claim arises except so far as is necessary of the event out of which any claim arises except so far as is necessary to meet the requirements of section 95 of the Motor Vehicles Act (As amended by Act 100 of 1956);

- (iv) liability in respect of damage to any bridge and/or way bridge and/or viaduct and/or any road and/or anything beneath by vibration or by the prescribed weight of the motor vehicle or by the prescribed load carried by the motor vehicle.

5. *Procedure case of accidents etc* —(a) As soon as an accident takes place the driver of the vehicle or other official of the Corporation will lodge a report at the nearest Police Station where the details of accident shall be recorded by the Police in the prescribed Road Accident Report Form (annexure I)

(b) The Local Officer of the Corporation will send a report in duplicate, in the form appended to those Rules as annexure II to the District Magistrate of the District in which the accident has occurred, and retain one copy of the report submitted to the District Magistrate in his own office for record and submit another copy to his Head Office.

(c) The District Magistrate will depute a First Class Magistrate to make an enquiry into the accident and to draw the report recording all the facts connected with the accident. The Magistrate may seek the assistance of a representative of the Rajasthan State Road Transport Corporation and a Police Officer not below the rank of a Sub-Inspector in-charge of a Police Station.

(d) The Magistrate shall give his findings as to whether the Corporation (Rajasthan State Road Transport Corporation) is liable to pay any compensation or not and if he is satisfied that such liability is established then the amount of compensation is also to be mentioned. His report shall also state the amount claimed by the party involved in the accident, and compensation for injury loss or damage to property will be recommended only on production of satisfactory proof of the accident and value of the loss or damage. The Magistrate shall also state as to whether the driver of the vehicle is to be held responsible for the accident and if so, to what extent, the driver has been guilty of negligence, rashness, dereliction of duty or drunkenness etc.

(e) In making the enquiry, the Magistrate deputed by the District Magistrate shall allow the aggrieved party to represent his case at the time of the enquiry.

(f) It is of assence that all the enquiries in this behalf shall be completed as expeditiously as possible.

(g) On receipt of the Magistrate's report the District Magistrate will forward it, with his comments, to the General Manager, Rajasthan State Road Transport Corporation and shall retain one copy of this report in the District Office for record.

6. *Settlement of claims.*—All claims lodged and/or established against the undertaking and to be met out of the Fund, shall be settled as under:—

(a) The General Manager shall ordinarily accept the finding of the Magistrate on the question of the liability of the undertaking to pay the compensation. The General Manager need not however accept the figure of amount of compensation fixed by the Magistrate. If a case can be compromised for a sum not exceeding Rs 500/- he may sanction the compromise and compound the case.

(b) Where the sum sought to be paid as compensation exceeds Rs. 500/- or more and where the General Manager thinks in his opinion the Magistrate's finding on the question of the liability of the undertaking to pay compensation is not correct, a reference shall be made to the Corporation.

(c) Where the case involves the payment of a sum exceeding Rs. 500/- it shall be considered by Corporation in consultation with the Legal Remembrancer to the Government of Rajasthan if necessary? Final sanction of Government shall be obtained in such cases before making payment.

(d) Payments of awards under a decree or judgment of a Court in such cases shall be made in accordance with the directions of the Court, but any amount which shall have been paid by the undertaking previously shall be deducted from such amounts.

7. *No compensation shall be paid under these rules.*—(i) When the party concerned is entitled to indemnity under any other Law.

(ii) When the liability for death, injury, loss or damage arises out of conditions of War, Civil War, Riot or Civil Commotion or cause like flood, storm etc., beyond the control of the undertaking.

(iii) Where the accident or loss or damage to property arises out of the violation of any rule or direction of the Undertaking or of the Traffic Regulations, by the party concerned.

(iv) In exceptional cases, however, the Corporation is satisfied that the question of liability cannot be clearly and distinctly determined and where serious hardship is involved to the victims of the accident, the Corporation may order an ex gratia payment by way of compensation.

8. *Budget Provision.*—The cost on account of any compensation, awarded by the authorities prescribed in these Rules shall be met out of the Fund for which provision shall be made in the budget of the Undertaking.

9. *Mode of payment.*—(a) The Assistant Regional Manager of the Region concerned or the General Manager shall draw the amount of compensation from the State Bank of Jaipur and Bikaner quoting the number and date of the order of section for payment on the contingent Bill form, attaching thereto an attested copy of the sanction.

(b) The payment of the compensation shall be made through the District Magistrate of the District in which the claimant resides and the District Magistrate making such payment shall obtain a receipt in full satisfaction of his claim.

10 *Debiting of expenditure* —(a) All reasonable expenditure including legal fees and other allied expenses incurred on any or all of the purposes mentioned in Rule 4 above shall be debited to this Fund

(b) All legal and medical expenses etc., shall be incurred by the various authorities as under:—

- (i) upto Rs. 50/- by the Assistant Regional Manager.
- (ii) Rs. 51/- to Rs. 100/-- by the General Manager.
- (iii) Rs. 101/—and above but not exceeding Rs 500/— by the Chairman, of the Corporation.
- (iv) Rs. 500/- and above by the Corporation with the sanction of Government:

Provided, however, that any amount incurred for immediate First-aid and other medical facilities etc., to any person involved in the accident, shall be reimbursed to the Undertaking from out of the compensation sanctioned to the party concerned.

11. *Investments.*—(i) All monies to the credit of the Fund shall at the end of the financial year after meeting liabilities in respect of items provided for in Rules 4 & 7 (iv) above, shall, after leaving balance of Rs. 15,000/- for current requirements, be invested in Government securities or in such other manner as may be approved by the Government.

(ii) Interest realised on investments made out of the Fund shall be recouped from the Fund and profit on sale of investments made out of the Fund shall be credited to the Fund

12. *Operation of the Fund.*—The Fund shall be operated separately and a separate account shall be maintained in the Books of Undertaking.

13. *Audit of the Fund* —The audit of the accounts of the Fund shall be made in the same manner as that of other accounts of the Undertaking except that yearly audited statement showing:—

- (a) The position of the Fund at the beginning of the year;
- (b) the contributions received by it during the year;

(c) the claims paid out of it during the year and the position of the Fund at the end, and

(d) the position of the investments of the Fund at the end of the year shall be furnished to the Corporation in the form, appended to these Rules as annexure II.

14. The decision of Government shall be final in all matters connected with Fund.

15. The Government shall be competent to modify or to make additions to the above Rules and to frame any supplementary rules, found necessary for the working of the Fund from time to time.

## ANNEXURE I

[See Rule 5 (a)]

(Form to be filled in by the Local Officer of the Department of which the vehicle is involved in the accident.)

Dated.....

Name of Department....

Instructions to Driver and Conductor.

Every accident, however, slight, must be reported to the Police and nearest Depot.

Do not move the vehicle from the scene of accident. Obtain the names and addresses of at least three witnesses if possible.

Preferably these should be persons NCT riding in the vehicle.

Report this information to your Assistant Depot Manager or Depot Manager concerned. Got witnesses to check measures of position and wheel marks.

In the case of accident involving personal injuries to passengers and staff, arrange to remove them to CIVIL HOSPITAL.

Your Vehicle Register No .....Type .....  
 Department..... No. of passengers on Board  
 Driver's name.... Badge No...  
 Licence No ..... Conductors name ...  
 Badge No ..... Was your vehicles damaged ?.....  
 If so, state nature and extent of damage .....

Particulars of accident.

Date . .....Time.....Route No.....  
 Exact place .....  
 Direction of your vehicles .....  
 Direction of other vehicles.....

Speed of your vehicle.....Speed of other vehicle.....  
 Was horn sounded ? .....  
 State of weather.....  
 Condition of road..... Width of road .....  
 What lights, if any were burning on your vehicle ?  
 Was your vehicle on near side on Road ?  
 If not state exact position.....

*Witnesses:*—Give names and addresses of witnesses—

**ON YOUR VEHICLE.**

**OTHER WITNESSES.**

1. ....
2. ....
3. ....

1. ....
2. ....
3. ....

Did any policeman on Patrol ? .....

(a) Witness the accident ? .....

(b) Take particulars ? .....

If so, give names and addresses....

Personal injuries.	Name of injured.	Address.	Name of injury.	State if passengers on your own or other vehicle pedestrian, cyclist etc.
1.				
2.				
3.				
4.				
5.				
6.				
7.				

Name and address of Doctor (if any) in attendance.....  
 Name of Hospital (if any) in which injured were taken.....

**THIRD PARTY.**

Other vehicle.

Registered No ..... Make.....Type.....  
 Nature and extent of damage.....  
 Name and address of owner.....  
 Name and address of driver.....

Other Property etc.

Nature of Property damaged.....  
 Nature of extent of damage .....  
 Name and address of owner .....  
 If animals concerned, give description.....  
 Did Third Party admit liability.....

## SKETCH

(position of vehicle at the time of accident should be clearly shown) Abbreviation to be used in reporting accident:—

N. S.=Near side (i. e. the left side of the vehicle)

NSR=Near side Rear.

NSF=Near side Front.

O. S.=Off side (i. e. the right side of the vehicle).

## ANNEXURE II

[See rule 5 (b)]

### FULL STATEMENT OF WHAT OCCURRED.

Driver's

Statement.....

Dated ..... Signature of the Driver.

Statement of conductor

or other official in

the vehicle.....

Date.....Signature of the conductor, or

other official .....

Witnesses.

Statements .....

Dated .....Signature of witnesses .....

State actual damage caused by Accident to your vehicle.

(1) Was brake test taken ?

(2) If so what is the opinion of the M.V.I.

(3) Was vehicle put on road or sent to garage after accident ?

Date ..... Signature of Local Official making

this report .....

Brief Remarks by Depot Manager, Rajasthan State Road  
Transport Corporation.

Date .....Signature of Depot Manager .....

Brief Remarks by foreman ? Assistant Mechanical Engineer or Regional Mechanical Engineer (if any).

Date vehicle arrived in Workshop.....

Date repaired .....

Estimated cost of repairs ..

Date.....Service Manager .....

Brief Remarks by Assistant Regional Manager.

.....

Date .....Assistant Regional Manager.

Report of the Enquiry made by the Magistrate.

Findings of the Magistrate as to Liability

Recommend of Magistrate as to amount of compensation and the Name and Address of persons in full to whom compensation should be paid . . . . .

Remarks of the District Magistrate.

No.... ..

Magistrate.... ..

Dated..... ..

Forwarded to the General Manager, Rajasthan State Road Transport Corporation, Jaipur for necessary action.

District Magistrate

The Rajasthan State Road Transport Corporation Motor Vehicles Third Party Jaipur City Insurance Fund.

### STATEMENT "A"

Account brought forward from the previous year (Opening balance).	Amount transferred from Revenue Account	Third party liability Insurance Fund		
		Total of column No. 1 and 2.	Amount expended	Balance (Total of column No. 3 minus amount in column 4).
1	2	3	4	5

### STATEMENT "B"

Third party Liability Insurance Fund						
Opening balance of Investment.	Amount invested	Total (Addition of column 1 & 2).	Cost of Investment Sold.	Net amount of investments (total of column 3 minus Col. 4)	Uninvested balance	Total balance in the fund uninvested balance in the net amount of investment.
1	2	3	4	5	6	7

*Notifications under*

**RAJASTHAN MOTOR VEHICLES RULES, 1951.**

*Published in Raj. Raj-patra Dated March 1, 1952 part IV (b)*

Home Department (Transport).

**CORRIGENDUM.**

Jaipur, February 19, 1952.

*No. F. 21 (1) H.T/51.*—In exercise of the powers conferred by sections 21, 41, 65, 68, 70, 71 (2), 73, 74, 75, 77, 80, 86 (2), 88, 90 and 91 of the Motor Vehicles Act, 1939 (Act IV of 1939), the Government of Rajasthan is pleased to order that in the Rajasthan Motor Vehicles Rules, 1951, wherever the words 'Rajasthan Motor Vehicles Act (Adaptation) Ordinance, 1950' occur, the words 'Motor Vehicles Act, 1939, (Act IV of 1939)' will be substituted.

By Order of

His Highness the Rajpramukh,  
**BHAJANLAL CHATURVEDI**  
Secretary to the Government.

*Published in Rajasthan Raj-patra Dated June 30, 1956 part IV (c) at page 264*

English Translation

[Authorised by His Highness the Rajpramukh]

**NOTIFICATION**

Jaipur, May 26, 1956.

*No. D. 1183/Home. B/F. 10 (51-8/Home. 2/54.*—In exercise of the powers conferred by sections 68 and 91 of the Motor Vehicles Act, 1939 (Act IV of 1939) and all other powers enabling it in this behalf, the Government of Rajasthan is pleased to make the following amendment in the Rajasthan Motor Vehicles Rules, 1951, namely:—

**AMENDMENT**

In the Rajasthan Motor Vehicles Rules, 1951, for the words "Transport Commissioner" wherever they occur the words "Director of Transport" shall be substituted.

By Order,

**DURGA PRASAD SHARMA,**  
Secretary to the Government.

*Published in Rajasthan Raj-patra Dated January 16, 1958 part IV (c) at page 931*

Home Department (B)

**NOTIFICATION**

Jaipur, December 16, 1957.

*No. D. 14628/F. 16 (4) (10) H. B/56.*—In exercise of the powers conferred by sections 21, 41, 65, 68, 70, 71, 73, 74, 75, 77, 80, 86, 88, 90 and 91 of the Motor Vehicles Act, 1939 (Central Act IV of 1939), the Government of Rajasthan makes the following amendments in the Rajasthan Motor Vehicles Rules, 1951 in force in the pre-reorganisation State of Rajasthan, the same having been published previously as required by section 133 of the said Act, namely:—

For the word "Rajasthan" wherever occurring elsewhere than in Chapter I of the said rules as being indicative of the territories of the State, the words "the State of Rajasthan" shall, unless the subject or context otherwise requires, be substituted.

By Order of the Governor,

**D. P. SHARMA,**  
Deputy Secretary to the Government.

*Published in Raj. Raj-patra Vol. 3 No. 104 Dated 27-10-51 part I at page 660*

Home Department (Transport).

**NOTIFICATION.**

Jaipur, October 18, 1951.

*No. F. 12 (1) H.T./51.*—In pursuance of rule 108 (a) of the Rajasthan Motor Vehicles Rules, 1951, the Government of Rajasthan is pleased to appoint Shri Dwarka Dass, Advocate, Jaipur and the Inspector General of Police, Rajasthan, members of the State Transport Authority to be members of the authority to decide appeals against the orders of the Regional Transport Authorities under Clauses (a), (b), (c), (d), (e) and (f) of section 64 of the Indian Motor Vehicles Act, 1939, till further orders.

By Order of

His Highness the Rajpramukh,  
**BHAJANLAL CHATURVEDI**  
Secretary to the Government.

*Published in Raj. Raj-patra Vol. 3 Dated 12-1-52 part II at page 1109:*

Office of the Transport Commissioner, Rajasthan, Jaipur.

**NOTIFICATIONS.**

Jaipur, December 24, 1951.

*No. 7049.*—Attention of all the Motor owners is drawn to the First Schedule to the Rajasthan Motor Vehicles Rules, 1951 wherein the details of the registration marks are fully explained. It has been noticed that some of the vehicle-owners have not yet obtained correct registration marks, to be used now on the vehicles, from their respective Registering Authorities. To avoid inconvenience to the motor-owners, they are advised to use registration marks on their vehicles as given in the said Schedule. The Police Department has been advised to take action against the defaulters who are found using wrong numbers after the 20th January, 1952.

2. It is emphasised that registration marks in white on red ground are allowed to be used only on the vehicles belonging to the Ruler of Indian States and nobody else.

3. For convenience sake, the first schedule is reproduced below:—

**The First Schedule**

( See rule 56 ).

**Registration Marks to be assigned by Registering Authority.**

Designation of registering authority.	District.	Registration Marks followed by.
		followed by a letter allotted to the *District and a num- ber allotted by the Register- ing Authority.
	R. J.	
*Alwar		A
Banswara		B
Barmer		C
Bharatpur		D
Bhilwara		E
Bikaner		F
Bundi		G
Chittorgarh		H
Churu		I
Dungarpur		J
Ganganagar		K
Jaipur		L
Jaisalmer		M
Jalore		N

Jhalawar	O
Jhunjhunu	P
Jodhpur	Q
Kotah	R
Nagore	S
Pali	T
Sawai Madhopur	U
Sikar	V
Sirohi	W
Tonk	X
Udaipur	Y

2. (i) in case of temporary registration the registration mark show in column 3 above will be followed by the letter 'T'.

(ii) In case of Dealers trade registration mark, the registration mark shown in column 3 will be followed by a number of not more than 3 figures and one particular letter of the alphabet assigned in respect of each trade certificate—

(a) In the case of Transport Vehicles the registration marks will be shown in Black on a white ground.

(b) In case of temporary registration in Red on Yellow ground.

(c) In case of Dealers trade registration marks in White on Blue-Black ground.

(d) In case of vehicles belonging to Rulers of Indian States in White on Red ground.

(e) In other cases in White on Black ground.

*Published in Raj. Raj-patra Vol. 3 No. 176 Dated 15-3-52 at page 1142:*

Jaipur, March 7, 1952.

No. F. 3 (4) H.T./51.—In exercise of the powers conferred by sub-rule (k) of rule 3 of the Rajasthan Motor Vehicles Rules, 1951, the Government of Rajasthan is pleased to appoint the following officers to perform the functions of a Regional Transport Officer under the Motor Vehicles Act and rules in their respective regions:—

1. Shri Nav Ratan Verma, Regional Transport Officer, Jaipur Region.
2. Shri Ganesh Datta, Regional Transport Officer, Jodhpur Region.
3. Shri Devi Lal Bolia, Regional Transport Officer, Udaipur Region.

By Order of

His Highness the Rajpramukh.  
BHAJAN LAL CHATURVEDI,  
Secretary to the Government.

*Published in Raj. Raj-patra Vol. 4 part II at page 157:*

Office of the Secretary, Regional Transport Authority, Udaipur Region.

#### NOTIFICATIONS

No. 598/R. T.A/52—In exercise of the powers conferred by rule 141 of the Rajasthan Motor Vehicles Rules, 1951; the Regional Transport Authority, Udaipur Region. by its resolution No. 10, dated the 19th December 1951, has fixed that all motor cabs will be fitted with approved taxi meters within a period of 6 months from the publication of this notification in the Rajasthan Government Gazette.

Udaipur, April 16, 1952.

No 599/R T.A/52.—In exercise of the powers conferred by rule 116 of the Rajasthan Motor Vehicles Rules, 1951, the Regional Transport Authority, by its resolution No. 9, dated the 19th December, 1951, has specified the following uniform to be worn by the Drivers and Conductors of Public Service Vehicles in Udaipur Region. This would come in force from 1st June, 1952:—

- (1) Side Cap.
- (2) Closed Collar, double breasted Coat with brass buttons.
- (3) Pant.

The colour of the dress should be Grey or Malasia.

NAVRATAN VERMA,  
Secretary,  
Regional Transport Authority Udaipur Region.

*Published in Rajasthan Raj-patra Vol. 4 No. 76 Dated 26-7-52 part I at page 396*

Home Department (Transport)

**NOTIFICATION.**

Jaipur July 13 1952.

No. F. 5 (19) T.O./51.—In exercise of the powers conferred by Rule 108 of the Rajasthan Motor Vehicles Rules, 1951 and in continuation of Home Department Notification of every number dated the 18th June, 1952 on the subject of appointment of non-official members of the State Transport Authority, Government have been pleased to order that the following will constitute the Appellate authority of State Transport Authority beside the Chairman:—

1. The Chief Engineer, B. & R. (Member of State Transport Authority.)
2. Shri Yugal Kishore Chaturvedi. (Member of State Transport Authority.)

By Order,

**BHAJANLAL CHATURVEDI**

Secretary to the Government.

*Published in Raj. Raj-patra Vol. 4 part I at page 252*

Home Department (Transport).

**NOTIFICATION.**

Jaipur, June 5, 1952.

No. F. 3 (4) H.T./51.—In exercise of the powers conferred by sub-rule (k) of rule 3 of the Rajasthan Motor Vehicles Rules, 1951, the Government of Rajasthan is pleased to make the following amendment in the Home Department Notification of even number, dated 7th March, 1952.

In the said Notification for the words Jaipur Region occurring in item (1) the words Jaipur Region and for the words Udaipur Region occurring in item (3) the words Jaipur Region shall be substituted.

**BHAJANLAL CHATURVEDI**

Secretary to the Government.

*Published in Raj. Raj-patra Vol. 4 part II at page 603*

Office of the Regional Transport Authority, Jaipur  
Region, Jaipur.

**NOTIFICATIONS**

Jaipur, July 11, 1952.

**SUBJECT:—**Transitional provision in respect of stage carriage services.

No. P./7/(52)/24/R.T.A.—In exercise of the powers conferred under Rule 94 of the Rajasthan Motor Vehicles Rules, 1951 the Regional Transport Authority, Jaipur Region, Jaipur declares that permits licenses or other documents issued by competent authorities within this region under the provisions of any rules in force prior to the enforcement of Rajasthan Motor Vehicles Rules, 1951, authorising the use of stage carriages within this region and which were in force at the commencement of these rules, i. e., on 30th March, 1951, shall, notwithstanding that any other date of termination is written thereon, be deemed to be permits granted by this authority and shall remain effective upto 31st October, 1952 with retrospective effect:

Provided that nothing herein shall authorise any stage carriage not holding a regular permit under the present rules... permanent or temporary to ply on a route or routes or area for which decisions for grant of stage carriage permits have already been taken or may hereafter be taken by this authority under S. 57 of the Indian Motor Vehicles Act.

This notification is in continuation of the Notification No. 696, dated the 28th April 1951 published in the Rajasthan Gazette of the 19th May, 1951.

**DEVILAL BOLIYA,**

Secretary, Regional Transport  
Authority, Jaipur Region, Jaipur.

*Published in Raj. Raj-patra Vol. 4 No.105 Dated 20-9-52 part I at page 585*

Home Department (Transport).

NOTIFICATION.

Jaipur, September 12, 1952.

No. F. 10(5)(3) H.T./52 --In pursuance of clause (a) of rule 61 of the Rajasthan Motor Vehicles Rules, 1951, the Government of Rajasthan is pleased to exempt all Motor Vehicles belonging to the Central Locust Warning Organisation employed in Rajasthan, from payment of registration fee.

By Order of

His Highness the Rajpramukh,  
BHAJANLAL CHATURVEDI,

Home Secretary to the Government.

*Published in Raj. Raj-patra Dated October 31, 1953. part II at page 1108.*

Office of the transport commissioner Rajasthan, Jaipur.

NOTIFICATION.

It is hereby published for General information that all appeal fees payable to the Government in accordance with rule No. 108 (b) of the Rajasthan Motor Vehicles Rules, 1951, on all appeals made to the State Transport Authority should be deposited in Treasury through a Challan under head "P deposits and advances deposits not bearing interest 'C' deposits accounts of civil Revenue or deposits."

No appeal will be held valid for hearing until the requisite fee has been properly deposited under the above head.

BAHURAN SINHA,  
Transport Commissioner.  
Rajasthan, Jaipur.

*Published in Raj. Raj-patra Dated January 16, 1954 part II at page: 1536.*

Office of the Secretary, Regional Transport Authority, Jodhpur.

NOTIFICATION.

Jodhpur, January 4, 1954.

No. R.T.A./22/19/53.--In exercise of the powers conferred by Rule 141 of the Rajasthan Motor Vehicles Rules, 1951, the Regional Transport Authority, Jodhpur, has *vide* its resolution No. 19. dated 20th-23rd July, 1953, been pleased to order that all the Motor Cabs intended for hire in the Jodhpur Region must be fitted with Taxi Meters of one of the following makes. These meters should be fitted latest by the 15th February, 1954, failing which Taxi owners will be liable to action under the law:—

1. Argo
2. Haida
3. Metrol
4. Poppo. Modified Poppo and new Poppo.

KHET PAL SINGH,  
Secretary, Regional Transport  
Authority, Jodhpur.

*Published in Raj. Raj-patra Dated June 23, 1956 part I (a) at page 96:*

English Translation

*(Authorised by His Highness the Rajpramukh)*

**NOTIFICATION.**

Jaipur, June 5, 1956.

No. D. 2534/F.16(7)-2Home B/56-2.—In pursuance of sub-rule (a) of Rule 108 of the Rajasthan Motor Vehicles Rules, 1951 and in partial modification of Home Department notification No. F. 5(19)TC/51, dated 23-7-52, the Government of Rajasthan is pleased to appoint the Home Secretary to the Government of Rajasthan as a Member of the Appellate Authority of State Transport Authority in place of the Chief Engineer (B. & R.) Rajasthan, Jaipur with immediate effect.

By Order,

S. D. UJWAL,

Secretary to the Government.

*Published in Raj. Raj-patra Dated December 13, 1956 part IV (c) at page 660:*

English Translation

*(Authorised by the Governor of Rajasthan)*

**NOTIFICATION**

Jaipur, November 20, 1956

No. D. 42/F. 16/7(2) HB/56.—Pursuant to Clause (iv) of Rule 76 of the Rajasthan Motor Vehicles Rules, 1951, the State Government, in consultation with the Railway Board is hereby pleased to appoint the Divisional Commercial Superintendent, Jaipur, as a Member of the State Transport Authority in place of the Regional Traffic Superintendent, Western Railway, Ajmer.

By Order of the Governor

D. P. SHARMA,

Secretary to the Government.

*Notifications under*

**MOTOR VEHICLES ACT, 1939.**

*Published in Raj. Raj-patra Vol. 2 No. 110 Dated 20-1-51 at page 777-780*

Transport Department.

**NOTIFICATIONS.**

Jaipur, January 9, 1951.

*No. D/10495/TC/50/I.*—In exercise of the powers conferred by section 3 of the Rajasthan Motor Vehicles Act (Adaptation) Ordinance, 1950 (No. XIV of 1950), the Government of Rajasthan is pleased to appoint the first day of February, 1951, to be the date from which the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, shall commence to apply to the whole of Rajasthan :

Provided that :

(1) the provisions of Chapter VIII of the said Act shall commence so to apply with effect from the first day of April, 1951, and

(2) Section 110A, inserted by the said Ordinance in the said Act, shall not take effect in any part of Rajasthan until further orders.

Jaipur, January 9, 1951.

*No. D/10495/TC/50/II.*—In exercise of the powers conferred by sub-section (2) of section 71 of the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise each Regional Transport Authority within its region to fix subject to the control of the State Transport Authority maximum speed limits contemplated by the said sub-section of the said section.

Jaipur, January 9, 1951.

*No. D/10495/TC/50/III.*—In exercise of the powers conferred by section 73 of the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise every Police Officer or Transport Officer not below the rank of a Sub Inspector to exercise the powers conferred by the said section.

Jaipur, January 9, 1951.

*No. D/10495/TC/50/IV.*—In exercise of the powers conferred by section 74 of the Motor Vehicles Act, 1939, of the Central Legislature, as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise each Regional Transport Authority in respect of its region to exercise subject to the control of the State Transport Authority the powers conferred by the said section.

**Notifications under Motor Vehicles Act, 1939.**

Jaipur, January 9, 1951.

*No. D/10495/TC/50/V.*—In exercise of the powers conferred by sub-section (1) of section 75 of the Motor Vehicles Act, 1939 of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise each Regional Transport Authority to cause or permit traffic signs to be placed or erected in any public place within its region for the purpose of regulating Motor Vehicles Traffic.

Jaipur, January 9, 1951.

*No. D/10495/TC/50/VI.*—In exercise of the powers conferred by sub-section (4) of the section 75 of the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise all District Magistrates and Superintendents of Police within the limits of thier respective jurisdiction to remove or cause to be removed any sign or advertisement referred to in the said sub-section of the said section.

Jaipur, January 9, 1951.

*No. D/10495/TC/50/VII.*—In exercise of the powers conferred by section 76 of the Motor Vehicles Act, 1939, of the Central Legislature, as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise each Regional Transport Authority to determine in consultation with the local authority having jurisdiction in the area concerned, places at which Motor Vehicles may stand indefinitely or for a specified period of time and at which public service vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers.

Jaipur, January 9, 1951.

*No. D/10495/TC/50/VIII.*—In exercise of the powers conferred by section 77 of the Motor Vehicles Act, 1939, of the Central Legislature, as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise each Regional Transport Authority to designate subject to the control of the State Transport Authority in the manner prescribed by the said section certain roads as main roads for the purposes of the regulations contained in the Tenth Schedule to the said Act.

Jaipur, January 9 1951.

*No. D/10495/TC/50/IX.*—In exercise of the powers conferred by section 86 of the Motor Vehicles Act, 1939, of the Central Legislature, as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise every Transport Officer not below the rank of an Inspector of Motor Vehicles and every Police Officer not below the rank of a Sub-Inspector to demand the production of documents specified in sub-section (2) of the said section.

Jaipur, January 9, 1951.

*No. D/10495/TC/50/X.*—In exercise of the powers conferred by section 88 of the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise every Police Officer not below the rank of a Sub-Inspector for the purposes of the said section.

Jaipur, January 9, 1951.

*No. D/10495/TC/50/XI.*—In exercise of the powers conferred by section 90 of the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise every Police Officer not below the rank of a Sub-Inspector and every Transport Officer not below the rank of an Inspector of Motor Vehicles, to inspect Motor Vehicles involved in accidents and to remove such vehicles for examination.

Jaipur, January 9, 1951.

*No. D/10495/TC/50/XII.*—In exercise of the powers conferred by sub-section (1) of section 106 of the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise every Police Officer in uniform not below the rank of a head constable to require the production of the certificate of insurance relating to the use of any vehicle.

Jaipur, January 9, 1951.

*No. D/10495/TC/50/XIII.*—In exercise of the powers conferred by section 129 of the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise every Police Officer not below the rank of a Sub-Inspector to exercise the power conferred by sub-sections (1) and (2) of the said section and every Transport Officer not below the rank of an Inspector of Motor Vehicles to exercise the powers conferred by sub-section (1) thereof.

Jaipur, January 9, 1951.

*No. D/10495/TC/XIV.*—In exercise of the powers conferred by section 129-A of the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased to authorise every Police Officer not below the rank of a Sub-Inspector and every Transport Officer not below the rank of an Inspector of Motor Vehicles for the purposes of the said section.

Jaipur, January 9, 1951.

*No. D/10495/TC/50/XV.*—In exercise of the powers conferred by section 133-A of the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan the Government of Rajasthan is pleased to establish a Motor Vehicles Department under the charge of an officer who shall be designated as the Transport Commissioner Rajasthan.

Jaipur, January 9, 1951.

No. D / 10495 / TC / 50 / XVI.—In exercise of the powers conferred by sub-section (1) of section 44 of the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased to constitute, for the purposes of the said Act, a State Transport Authority for the whole of Rajasthan, which shall consist of :—

- (i) The Transport Commissioner. Rajasthan (*Chairman*).
- (ii) The Inspector-General of Police, Rajasthan.
- (iii) The Chief Engineer, Roads and Buildings, Rajasthan.
- (iv) A Representative of the Railways in Rajasthan (to be announced later).
- (v) Shri Amrit Lal Vaid, Udaipur.
- (vi) Shri Daulatmal Bhandari, Jaipur.
- (vii) The Deputy Transport Commissioner, who shall also be the Secretary and Executive Officer of the Authority.

Jaipur, January 9, 1951.

No. D/10495/TC/50/XVII.—In exercise of the powers conferred by sub-section (1) of section 44 of the Motor vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased—

(1) to direct that for the purposes of the said Act, the whole of Rajasthan shall be divided into three regions as follows, namely:—

- (a) Jaipur Region, comprising the districts of Jaipur, Jhunjhunu, Sawai Madhopur, Sikar. Tonk, Alwar and Bharatpur.
- (b) Jodhpur Region, comprising the districts of Jodhpur, Jalore, Nagaur, Pali, Barmer, Bikaner, Ganganagar, Churu, Jaisalmer and Sirohi, and
- (c) Udaipur Region, comprising the districts of Udaipur, Chittor, Dungarpur, Banswara, Bhilwara, Jhalawar, Kotah and Bundi;

(2) to constitute for the said purposes, Regional Transport Authorities for each of the aforesaid regions, as follows:—

- (a) The Regional Transport Authority for Jaipur, Region (with Headquarters at Jaipur) to consist of—
  - (i) The Commissioner, Jaipur Division (*Chairman*),
  - (ii) The Deputy Inspector-General of Police, Jaipur Range,
  - (iii) The Superintending Engineer, (R and B), Jaipur Zone,
  - (iv) Shri Kirpa Dayal, Advocate, Alwar,
  - (v) Shri Ramkishore Vyas, Jaipur,
  - (vi) The Regional Transport Officer, who shall also be the Secretary and Executive Officer of the Authority;

- (b) The Regional Transport Authority for Jodhpur Region (with Headquarters at Jodhpur) to consist of—
- (i) The Commissioner, Jodhpur Division (*Chairman*),
  - (ii) The D.I G. of Police, Jodhpur Range,
  - (iii) The Superintending Engineer, (R & B), Jodhpur zone,
  - (iv) The Collector, Bikaner,
  - (v) The Superintendent of Police Bikaner,
  - (vi) Shri Ranchordass Gattani, Jodhpur,
  - (vii) Shri Ishwar Dayal, Advocate, Bikaner,
  - (viii) The Regional Transport Officer, who shall also be the Secretary and Executive Officer of the Authority; and
- (c) The Regional Transport Authority for Udaipur Region (with Headquarters at Udaipur) to consist of—
- (i) The Commissioner, Udaipur Division (*Chairman*),
  - (ii) The D.I.G. of Police, Udaipur Range,
  - (iii) The Superintending Engineer, (R and B), Udaipur Zone,
  - (iv) The Collector, Kotah,
  - (v) The Superintendent of Police Kotah,
  - (vi) Shri Kanth Rao, Baran (Kotah),
  - (vii) Shri Rup Lal Somani, Bhilwara,
  - (viii) The Regional Transport Officer, who shall also be the Secretary and Executive Officer of the Authority.

By Order,  
B. S. RANAWAT,  
Secretary to the  
Government of Rajasthan,  
Transport Department.

*Published in Raj. Raj-patra Vol. 2 No. 160 Dated March 30, 1951 at page: 293*

Government of Rajasthan.

Transport Department.

NOTIFICATIONS

Jaipur, January 22, 1951.

*No. F-5 (19) T.C./51.*—In exercise of the powers conferred by sub-section (3) of section 34 of the Motor Vehicles Act, 1939, of the Central Legislature, as adapted to Rajasthan, the Government of Rajasthan is pleased to appoint every Transport Officer or Police Officer not below the rank of an Inspector of Motor Vehicles to be the authority by which registering authorities in Rajasthan may order Motor Vehicles to be examined.

Jaipur, January 22, 1951.

*No. F.5 (19) T.C./51.*—In exercise of the power conferred by section 110 of the Motor Vehicles Act, 1939, of the Central Legislature as adapted to Rajasthan, the Government of Rajasthan is pleased to appoint every Police Officer not below the rank of a Sub-Inspector to investigate and report on accidents as contemplated by the said section.

By Order,  
B. S. RANAWAT,  
Secretary to the  
Government of Rajasthan,  
Transport Department.

## Government of Rajasthan

## Transport Department.

## NOTIFICATION

Jaipur, March 29, 1951.

No. D/10495/T.C./50/XX.—In exercise of the power conferred by sub-clause (ii) of clause (d) of sub-section (1) of section 43 of the Motor Vehicles Act, 1939 (IV of 1939), as adapted to Rajasthan by the Rajasthan Motor Vehicles Act (Adaptation) Ordinance, 1950, the Government of Rajasthan are pleased to fix the following maximum fares and frights for stage carriages and public carriers which will be applicable throughout the State:—

## 1. Stage Carriage—

- |   |                                 |
|---|---------------------------------|
| (a) Maximum fare which may be charged on *A Class route for a single journey.   | 8 pies per mile per passenger.  |
| (b) Maximum fare which may be charged on **B. Class route for a single journey. | 11 pies per mile per passenger. |
| (c) Maximum fare which may be charged on ***C Class route for a single journey. | 14 pies per mile per passenger. |

## 2. Public Carriers—

- |  |                             |
|--|-----------------------------|
| (a) Maximum freight to be charged for carrying load per single trip on *A Class route. | 3 pies per mile per maund.  |
| (b) Maximum freight to be charged for carrying load per single trip on †B Class route. | 3½ pies per mile per maund. |
| (c) Maximum freight to be charged for carrying load per single trip on §C Class route. | 5 pies per mile per maund.  |

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—A Class routes mean roads cemented, tarred asphalted or metalled,

†\*B Class routes mean gravel or *kankar* roads.

\*\*\*C Class routes mean all tracks, fair weather and other roads not included in A and B class of routes.

By Order of  
His Highness the Rajpramukh,  
B. S. RANAWAT,  
Secretary  
to the Government of Rajasthan,  
Transport Department.

*Published in Raj. Raj-patra Vol. 3 No. 31 part I Dated 5-5-51 at page 233-234*

Transport Section  
Press Communique.  
Jaipur, May 2, 1951.

The Indian Motor Vehicles Act, 1939, has been applied to Rajasthan by the Parliament and came into force from 1-4-51, thereby repealing the Rajasthan Motor Vehicles Act (Adaptation) Ordinance. The Rajasthan Motor Vehicles Rules, 1951, which were issued under the old Act, however, continue in force. A separate Act, known as Rajasthan Motor Vehicles Taxation Act, dealing with the taxation has been promulgated and came into force from 3-4-51. Necessary Rules under the Act have also been published.

2. Under these Acts and Rules, Statutory Bodies have been constituted for the control of the Transport Vehicles. There is a State Transport Authority for the whole of Rajasthan and three Regional Transport Authorities—one each for Jaipur, Jodhpur, (including Bikaner) and Udaipur (including Kotah) Regions. All applications for the grant of permits under the Motor Vehicles Act should be made to the Secretary of these authorities as the case may be. The State Transport Authority shall be the appellate authority from the decision of the Regional Transport Authorities and an appeal against the orders of the State Transport Authority shall lie to the Government.

3. The licensing authority for driving and conductors' licences shall be the District Superintendent of Police of the district concerned and an appeal against his order shall lie to the Regional Transport Authority of the region concerned. The Registering Authority for Motor Vehicles shall be the District Magistrate for his district. The new Registration Mark to be put on all vehicles throughout Rajasthan will now be R J followed by a letter allotted to each district in alphabetical order and a number allotted by the Registering Authority. The Registration Mark on private transport and other vehicles belonging to dealer etc. shall be in different colours as specified in the rules. The certificate of fitness will be granted by the Registering Authority or the Inspector of Motor Vehicles.

4. All vehicles except Government vehicles are to be insured against third party risk. Taxes at uniform rates have now been prescribed for all State and contract carriage on the basis of seats and in case of public and private carrier on their laden weight and according to the extent the route or region in which they intend to operate. Owners of private vehicles would also be liable to tax. Vehicles registered in other States will also be liable to tax in Rajasthan provided they are used in Rajasthan for a period exceeding 30 days. The tax will be realised from the date the car is first brought into Rajasthan.

In cases where taxes have been paid in advance at the old rate for a period subsequent to 1st April, 1951, the difference between the taxes at old rates and the new rates will have to be paid to make up the full tax now due.

5. The maximum rates of passengers fares are:—

- (i) 8 pies per seat per mile for A class Route.
- (ii) 11 pies per seat per mile for B Class Route.
- (iii) 14 pies per seat per mile for C Class Route.

while freight rates are 3 pies, 3½ pies, and 5 pies per maund per mile for A, B, and C Class Routes respectively.

*Published in Raj. Raj-patra Vol. 3 part II at page 109-110:*

Office of the Regional Transport Authority.

Jodhpur,  
NOTICE.

*Sub.—*Fares to be charged for Motor Cabs is Jodhpur Region.

In exercise of the powers conferred by section 51 (b) of the Motor Vehicles Act, 1939, the Regional Transport Authority, Jodhpur

Region has by its Resolution No. 1(ii), dated 2nd May, 1951, sanctioned the following fares in the case of Motor cabs for Jodhpur Region. These fares shall come into force with immediate effect:—

S.No.	Discription.	Rate of lino.
1.	Hire	-/10/-per mile and -/8/- per mile for return journey.
2.	Detention charges. ....	-/2/-for every five Minutes subject to not exceeding Rs. 10/- per day of 24 hours.
3.	Luggage charges ....	-/2/- for every package carried outside on luggage carrier.

G. DATTA,  
Secretary,  
Regional Transport Authority,  
Jodhpur Region. Jodhpur.

Office of the Regional Transport Authority, Udaipur.

### NOTIFICATION.

Udaipur, May 9, 1951.

No. 115/A.—A Resolution regarding delegation of powers to Registering Authorities to grant Temporary Permits under section 62 of the Motor Vehicles Act, passed by the Regional Transport Authority Udaipur Region, Udaipur, is hereby published for general information.

### Resolution No. 3.

Under section 44 (5) of the Motor Vehicles Act, and as authorised by Rule 78 Clause, I (ii), of the Rajasthan Motor Vehicles Rules, the Regional Transport Authority hereby delegates to all Registering Authorities of Udaipur Region its powers under section 62 of the Motor Vehicles Act regarding the grant of Temporary Permits :

Provided that if a portion of the area or route authorised to be used falls in the jurisdiction of another Registering Authority, the concurrence of such Authority shall have to be obtained:

Provided further that no Registering Authority shall issue a permit in respect of a vehicle which is not registered in Rajasthan or which is proposed to be brought newly under the authority of the permit being granted.

While delegating the above powers, it is also enjoined upon the Registering Authorities to send information regarding any temporary permits issued by them to the Secretary, Regional Transport Authority.

DEVI LAL BOLIYA,  
Secretary.  
Regional Transport Authority. Udaipur.

*Published in Rajasthan Raj-patra Dated June 18, 1951 part I at page 329-330*

Government of Rajasthan

Home Department.

# NOTIFICATIONS.

Jaipur, June 11, 1951.

No. F. 5 (19) T. C./51.—In exercise of the power conferred by sub-section (1) of section 44 of the Indian Motor Vehicles Act, 1939, the Government of Rajasthan is pleased to constitute, for the purposes of the said Act, a State Transport Authority for the whole of Rajasthan, which shall consist of:—

- |  |            |
|--|------------|
| (1) The Chairman, Board of Revenue                     | Chairman.  |
| (2) The Inspector-General of Police, Rajasthan         | Member.    |
| (3) The Chief Engineer, Roads and Buildings, Rajasthan | "          |
| (4) General Manager, B.B. & C.I. Rly.                  | "          |
| (5) Shri Adityendraji, Bharatpur                       | "          |
| (6) Shri Dwarkadasji Purohit, Jodhpur                  | "          |
| (7) The Transport Commissioner, Rajasthan              | Secretary. |

This supersedes Transport Department Notification No. D/10495/TC/50/XVI, dated Jaipur the 9th January, 1951.

Jaipur, June 11, 1951.

No. F. 5 (19) TC/51.—In exercise of the powers conferred by sub-section (1) of section 44 of the Indian Motor Vehicles Act, 1939, the Government of Rajasthan is pleased,—

(1) to direct that for the purposes of the said Act, the whole of Rajasthan shall be divided into three regions as follows, namely:—

- (a) Jaipur Region, comprising the districts of Jaipur, Jhunjhunu, Sawai Madhopur, Sikar, Tonk, Alwar and Bharatpur.
- (b) Jodhpur Region, comprising the districts of Jodhpur, Jalore, Nagaur, Pali, Barmer, Bikaner, Ganganagar, Churu, Jaisalmer and Sirohi, and
- (c) Udaipur Region, comprising the districts of Udaipur, Chittor, Dungarpur, Banswara, Bhilwara, Jhalawar, Kotah and Bundi.

(2) to constitute for the said purposes, Regional Transport Authorities for each of the aforesaid regions, as follows:—

- (a) The Regional Transport Authority for Jaipur Region (with Headquarters at Jaipur) to consist of:—
  - (i) The Commissioner, Jaipur Division Chairman.
  - (ii) The Deputy Inspector-General of Police, Jaipur, Range Member.
  - (iii) The Superintending Engineer, Roads & Buildings, Jaipur Division "
  - (iv) Shri Ram Karan Joshi, Dausa "
  - (v) Shri Umadutta, Advocate, Alwar "
  - (vi) The Regional Transport Officer who shall also be the Secretary and Executive Officer of the Authority.

- (b) The Regional Transport Authority for Jodhpur Region (with Headquarters at Jodhpur) to consist of—
- (i) The Commissioner, Jodhpur Division Chairman.
  - (ii) The Deputy Inspector General of Police, Jodhpur Range Member
  - (iii) The Superintending Engineer Roads & Buildings, Jodhpur Zone "
  - (iv) The Collector, Bikaner "
  - (v) The Superintendent of Police, Bikaner "
  - (vi) Shri Gangadas Vyas, Advocate, Jodhpur "
  - (vii) Shri Rawatmal Koochar, Bikaner "
  - (viii) The Regional Transport Officer, who shall also be the Secretary and Executive officer of the Authority; and
- (c) The Regional Transport Authority for Udaipur Region (with Headquarters at Udaipur) to consist of—
- (i) The Commissioner, Udaipur Division Chairman.
  - (ii) The Deputy Inspector-General of Police, Udaipur Range Member.
  - (iii) The Superintending Engineer Roads and Buildings, Udaipur Zone "
  - (iv) The Collector, Kotah "
  - (v) The Superintendent of Police, Kotah "
  - (vi) Shri Bakhtawarlal Sharma, Udaipur "
  - (vii) Shri Abhinihari, Kotah "
  - (viii) The Regional Transport Officer, who shall also be the Secretary and Executive Officer for the Authority.

This supersedes Transport Department Notification No. D/10495/TC/50/XVII, dated Jaipur the 9th January, 1951.

By Order of

His Highness the Rajpramukh.  
BHAJAN LAL CHATURVEDI,  
Home Secretary to the Government of Rajasthan.

*Published in Raj. Raj-patra Vol. 3 Dated 32-51 part II at page 387*

#### NOTIFICATION.

1. Attention of all transport-vehicle owners is invited to the Motor Vehicles Act, 1939, and the Rajasthan Motor Vehicles Rules, 1951, made thereunder. For transport purposes, Rajasthan has been divided into 3 regions—the Jodhpur region comprising of the Jodhpur and Bikaner Divisions, Udaipur region of the Udaipur and Kotah Divisions and Jaipur region of the Jaipur Division. Each of these three regions has got a Regional Transport Authority to exercise powers and functions delegated by the Act and the Rules referred to above.

2. All applications for grant of the permits to ply transport vehicles or for replacement of vehicles etc. on the routes within the

regions should be submitted to the Secretary of the Regional Transport Authority concerned on the forms prescribed under the said Rules. Applications submitted otherwise than on the prescribed forms will not be considered while granting permits. Applications for inter-statal or inter-regional routes should be submitted as and when invited by any of these RTAs.

3. An appeal against the orders of the RTA. lies to the State Transport Authority of which the Transport Commissioner is the Secretary. Appeals should be preferred and the procedure followed as laid down in the Motor Vehicles Rules.

4. It has been noticed that intending applicants sometime send their applications to this office which is irregular and causes delay in the disposal of such applications. All such applicants, in their own interest, are therefore advised to send their applications to the Regional Transport Authority concerned.

BAHURAN SINHA,  
Lt.-Col.,  
Transport Commissioner.

*Published in Raj. Raj-patra Vol. 3 Dated 4-8-51 part II at page 393*

Office of the Regional Transport Authority,

Jodhpur Region, Jodhpur.

NOTICES.

Jodhpur, July 19, 1951.

No. 6.—The Regional Transport Authority, Jodhpur Region, hereby delegates (*vide* its Resolution No. 5, dated July 11, 1951), in pursuance of section 44 (5) of the Motor Vehicles Act and as authorised by Rule 78 clause 1 (ii) of the Rajasthan Motor Vehicles Rules, its powers under section 62 of the Motor Vehicles Act to the Registering of each district in Jodhpur Region to issue Temporary Permits for a period upto one week valid for the respective districts.

*Published in Raj. Raj-patra Vol. 3 No. 110 Dated 10-11-51 part I at page 695*

Home Department (Transport)

Corrigendum.

Jaipur, November 3, 1951.

No. F. 5 (19) T.C./51.—In exercise of the powers conferred by sub-section (1) of section 44 of the Indian Motor Vehicles Act, 1933, the Government of Rajasthan have been pleased to make the following amendment in the Home Department Notification No. F. 5 (19) T.C./51. dated June 11, 1951, published in the Rajasthan Gazette (Extraordinary), dated June 18, 1951:—

In the said Notification for the words "General Manager, B. B. & C. I. Railway" occurring in item (4) the words "Road Transport Superintendent, B. B. & C. I. Railway, Bombay" shall be substituted.

By Order of  
His Highness the Rajpramukh,  
BHAJANLAL CHATURVEDI,  
Secretary to the Government.

*Published in Rajasthan Raj-patra at page 1384*

Office of the Secretary, Regional Transport Authority, Jaipur.  
Jaipur, March 1, 1952

*No. P/7.*—Resolution No. 108 of the 17th March, 1952 of the Regional Transport Authority of this region is published below for the information of public in general and Motor Operators in particular:—

*Resolution No. 108.*

Under the provisions of sub-section (5) of section 44 of the Indian Motor Vehicles Act, as authorised by Rule 78 (1) sub-clause (ii), the Regional Transport Authority hereby delegates its powers to issue temporary permits under section 62 of the Act to all the Registering Authorities of the region for their districts, provided that no such permit shall be issued by them for more than seven days at any one time.

DEVILAL BOLIYA,

Secretary.

Regional Transport Authority,  
Jaipur Region, Jaipur.

*Published in Rajasthan Raj-patra Vol. 3 No. 176 Dated 15-3-52 at page 1142*

Home Department (Transport)

NOTIFICATIONS.

Jaipur, March 7, 1952.

*No. F. 3 (4) H.T. 51.*—The Government of Rajasthan is pleased to order that the Transport Department of the Government shall be deemed to be the Motor Vehicles Department of the Government duly constituted under section 133A of the Motor Vehicles Act, 1939.

*Published in Raj. Raj-patra Dated June 13, 1953 part I at page 242*

Home Department II.

NOTIFICATION.

Jaipur, June 13, 1953.

*No F 5 (19)/T.C./51.*—In exercise of the powers conferred by sub-section (1) of section 44 of the Indian Motor Vehicles Act, 1939, the Government of Rajasthan have been pleased to order that in Home Department Notification No. F. 5 (19) T.C./51, dated 3rd November, 1951, published in the Rajasthan Gazette, dated November 10, 1951 for the words "Road Transport Superintendent, B. B. & C. I. Railway, Bombay" the words "Regional Traffic Superintendent, Western Railway, Ajmer" shall be substituted.

By Order of

His Highness the Rajpramukh,  
BHAJANLAL CHATURVEDI,  
Secretary to the Commission.

*Published in Raj. Raj-patra Dated July 9, 1955 part I (b) at page 268:*

English Translation

Jaipur, may 21, 1955.

No. F. 10 (2)-6/Home.II/53.—[In exercise of the powers conferred by sub-clause (ii) of sub-section (1) of section 43 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Rajasthan proposes to fix the following maximum freight charges for carriage of luggage and personal affects in excess of 40 lb. in stage carriages, which will be applicable throughout the State:—

- (a) Maximum freight for personal luggage on "A" class routes 3 pies per mile  
for a single journey. per md.
- (b) Maximum freight for personal luggage on "B" class routes 3½ pies per  
for a single journey. mile per md.
- (c) Maximum freight for personal luggage on "C" class 5 pies per mile  
routes for a single journey. per md.

"A" Class route means roads cemented, tarred, asphalted or metalled.

"B" Class route means gravel or kankar roads.

"C" Class route means all tracts fair whether and other roads not included in "A" and "B" Class routes.

Objections are invited from the persons affected by the proposed fixation of maximum freight charges in stage carriage within one month of the date of publication of this notification. The objections should be sent to the undersigned.

*Published in Raj. Raj-patra Dated January 21, 1956 part I (b) at page: 958*

English Translation

[ Authorised by His Highness the Rajpramukh ].

NOTIFICATIONS

Jaipur, January 4, 1956.

No. D.7491/F.10 (2)-6/Home II/53-2.—In exercise of the powers conferred by sub-clause (ii) of sub-section (1) of section 43 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Rajasthan after having heard the representations of the interehsts affected and having consulted the State and Regional Transport Authorities concerned, hereby fixes the following maximum freight charges for carriage of luggage and personal effects in excess of 40 Lbs. in Stage Carriages which will be applicable throughout the State:—

- (a) Maximum freight for personal luggage on "A" class 3 pies per mile  
routes for a single journey. per maund.
- (b) Maximum freight for personal luggage on "B" class 3½ pies per mile  
routes for a single journey. per maund.
- (c) Maximum freight for personal luggage on "C" class 5 pies per mile  
routes for a single journey. per maund.

"A" Class route means roads cemented, tarred, asphalted or metalled.

"B" Class route means gravel or Kankar roads.

"C" Class route means all tracts fair whether and other roads not included in "A" and "B" class routes.

By Order of

His Highness the Rajpramukh,

S. D. UJWAL,

Secretary to the Government.

*Published in Raj. Raj-patra Dated October 25, 1956. part IV (c) at page 622-623*

English Translation

[ *Authorised by His Highness the Rajpramukh* ].

### NOTIFICATIONS

Jaipur, February 15, 1956.

No.D.4459/F.10(5) 3/Home. II/54-I.—In exercise of the powers conferred by Sub-section 129A of the Motor Vehicles Act, 1939 (IV of 1939) the Government of Rajasthan is pleased to authorise all Police Officers not below the rank of a Sub-Inspector of Police as well as all officers of the Transport Department, not below the rank of Sub Inspectors to exercise the powers referred to in the said section.

### ENGLISH TRANSLATION

[ *Authorised by His Highness the Rajpramukh* ].

Jaipur, February 15, 1956.

No. D. 4459/F. 10 (5) 3/Home-II/54-II.—In exercise of the powers conferred by sub-section (1) of section 120 of the Motor Vehicles Act 1939 (IV of 1939) the Government of Rajasthan is pleased to authorise all Police Officers not below the rank of Sub-Inspector of Police as well as all officers of the Transport Department not below the rank of a Sub-Inspector to exercise the powers referred to in the said sub-section of the said section.

### ENGLISH TRANSLATION

[ *Authorised by His Highness the Rajpramukh* ].

Jaipur, February 15, 1956.

No. D. 4459/F. 10 (5) 3/Home. II/54-III.—In exercise of the powers conferred by sub-section (2) of section 129 of the Motor Vehicles Act, 1939 (Central Act No. IV of 1939) the Government of Rajasthan is pleased to authorise all Police officers not below the rank of a Sub-Inspector to exercise the powers referred to in the said sub-section of the said section.

By Order of

His Highness the Rajpramukh,  
S.D. UJWAL,  
Secretary to the Government.

*Published in Raj. Raj-patra Dated February 25, 1956 part I (b) at page 1157*

English Translation

[ *Authorised by His Highness the Rajpramukh* ]

Jaipur, February 15, 1956.

No. D. 4459/F. 19 (5) 3/Home. II/54-I.—In exercise of the powers conferred by section 129A of the Motor Vehicles Act, 1939 (IV of 1939) the Government of Rajasthan is pleased to authorise all Police Officers not below the rank of a Sub-Inspector of Police as well as all officers of the Transport Department not below the rank of Sub-Inspector to exercise the powers referred to in the said section.

### English Translation

[ *Authorised by His Highness the Rajpramukh* ].

Jaipur, February 15, 1956.

No. D. 4459/F. 10 (5) 3/Home. II/54-II.—In exercise of the powers conferred by sub-section (1) of section 129 of the Motor Vehicles Act, 1939 (IV of 1939) the Government of Rajasthan is pleased to authorise all Police Officers not below the rank of Sub-Inspector of Police as well as all officers of the Transport Department, not below the rank of a Sub-Inspector, to exercise the powers referred to in the said sub-section of the said section.

English Translation

(Authorised by His Highness the Rajpramukh.)

Jaipur, February 15, 1956.

No. 4459/F. 10 (5) 3/Home. 11/54-111.—In exercise of the powers conferred by sub-section (2) of section 129 of the Motor Vehicles Act, 1939 (Central Act No. IV of 1939) the Government of Rajasthan is pleased to authorise all Police Officers not below the rank of a Sub Inspector to exercise the powers referred to in the said sub-section of the said section.

By Order of

His Highness the Rajpramukh,

S. D. UJWAL,

Additional Chief Secretary.

Published in Raj. Raj-patra Dated June 30, 1956 part IV (c) at page 265:

English Translation

(Authorised by His Highness the Rajpramukh.)

NOTIFICATION

Jaipur, May 26, 1956.

No. D. 6792/F. 10 (5)-9/ Home. 2/54.—In exercise of the powers conferred by section 133-A of the Motor Vehicles Act, 1939 (Act IV of 1939), the Government of Rajasthan is hereby pleased to direct that in Notification No. D/10495/TC/XV, dated the 9th January, 1951 of the Government of Rajasthan in the Transport Department, for the words "Transport Commissioner" the words "Director of Transport" shall be substituted.

By Order of

His Highness the Rajpramukh,

DURGA PRASAD SHARMA,

Secretary to the Government.

Published in Raj. Raj-patra Dated October 4, 1956 part I (b) at page 595

English Translation.

(Authorised by His Highness the Rajpramukh).

Jaipur, September 24, 1956.

No. F. 10 (8)-2/H. 2/54.—In exercise of the powers conferred by sub-section (1) of section 44 of the Motor Vehicles Act, 1939 (IV of 1939), the Government of Rajasthan is pleased to order that the Superintending Engineer, Building and Roads, Jaipur District Circle, Jaipur shall be a member of the Regional Transport Authority for the Jaipur Region instead of the Superintending Engineer, Roads and Buildings, Jaipur Division. This is in partial modification of Notification No. F. 5 (19), TC/51, dated the 11th June 1951 of the Government of Rajasthan in the Home Department.

By Order of

His Highness the Rajpramukh,

DURGA PRASAD SHARMA,

Deputy Secretary to the Government.

Published in Raj. Raj-patra Dated August 5, 1957 part IV (c) at page 62:

Home Department (B)

NOTIFICATION

Jaipur, August 5, 1957.

No. F. 16 (4) (12) Home. B/56.—In exercise of the power conferred by section 122 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) the Government of Rajasthan is hereby pleased to order that the Rajasthan State Transport Authority shall be competent to exercise the functions of a State Transport Authority under the Motor Vehicles Act, 1939 (Central Act IV of 1939) within the Abu, Ajmer and Sunel areas.

By Order of the Governor,

DURGAPRASAD SHARMA,

Secretary to the Government.

*Notifications under*

**MOTOR VEHICLES ACT, 1939.**

*Published in Raj. Raj-patra part IV (c) dated April 16, 1959 at page 56-57*

Home (B) Department

**NOTIFICATION**

Jaipur, March 2, 1959.

No. D. 1452/F. 16 (4) (2) HB/57.—In exercise of the powers conferred by sub-section (1) of section 36 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the Governor of Rajasthan is pleased to notify, with the approval of the Central Government, that the maximum safe laden weight of transport vehicles, other than motor cabs and the maximum safe axle weight of each axle of such vehicles shall be as follows:

Particulars of the vehicles	Maximum safe laden weight	Maximum safe axle weight
(1) Vehicles of 1952 and earlier models of all makes.	112½ of the gross vehicle weight certified by the manufacturer.	112½% of the maximum axle weight certified by the manufacturer.
(2) Vehicles of 1953 and later models of all makes.	125% of the gross vehicle weight certified by the manufacturer.	125% of the maximum axle weight certified by the manufacturer.

By Order of the Governor,

C. S. GUPTA,

Secretary to the Government.

*Published in Raj. Rajpatra part IV (c) dated September 17, 1959 at page 634*

Home (B) Department

**NOTIFICATION**

Jaipur, August 13 1959.

No. F. 1 (4)/5/HB/59-1.—In exercise of the powers conferred by sub-section (3) of section 34 of the Motor Vehicles Act, 1939 (Central Act No. 4 of 1939) as adapted to Rajasthan and in supersession of Transport Department Notification No. F. 5 (19) TC/51 dated the 22nd January, 1951 the State Government hereby appoints every Transport Officer not below the rank of an Inspector of Motor Vehicles and Police Officer not below the rank of a Sub-Inspector of Police, to be the authority by which registering authorities in Rajasthan may order motor vehicles to be examined.

By Order,

Z. S. JHALA,

Secretary to Government.

*Published in Raj. Raj-patra part I (b) dated September 8, 1960 at page 284*

Home (B-Gr. I) Department

### ORDER

Jaipur, August 24, 1960.

No. F. 2 (1)/2/H. (B-Gr. I)/60.—The Government is pleased to order that the State Transport Undertaking providing or likely to provide Road Transport Services in the State of Rajasthan and carried on by the State Government will be known as Rajasthan State Roadways.

Z. S JHALA,

Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated September 8, 1960 at page 342*

### PRESS NOTE

Consequent upon the High Courts' decision in regard to the Rajasthan State Road Transport Services (Development) Rules, 1959 that the time given for inviting objections and suggestions to those Rules was too short, the draft Rules. "The Rajasthan State Road Transport Services (Development) Rules, 1960" were prepublished vide Notification No. D. 4219/F. 1 (4)/14/HB/59 in the Extraordinary Rajasthan Gazette on June 4, 1960 and a notice was thereby given that the said draft will be taken into consideration on or after the 11th July, 1960.

In response to the aforesaid notification, objections were received from about 53 operators. These objections covered all the draft Rules. The Home Department considered all the objections received in detail Rulewise. While considering the objections the opinion of the Advocate General, Law Secretary Legal Remembrancer and Government Advocate was also availed of through various meetings and conferences held for this purpose from 13th July to 27th July, 1960. Accordingly some of the draft Rules were deleted as a result of the objections submitted by the operators. Minor changes here and there were also made in the other remaining Rules contained in the Draft Rajasthan State Road Transport Services (Development) Rules, 1960 in view of the points raised during the course of hearing of the writ petitions in the High Court and the observations of the learned Judges thereon.

Now the Rajasthan State Road Transport Services (Development) Rules, 1960 as finalised by Government have been published in the Extraordinary Rajasthan Gazette of 19th August, 1960 and they have come into force immediately after the publication thereof in the Gazette.

*Published in Raj. Raj-patra part IV (c) dated October 18, 1960 at pages 1*

Law Department (B)

### ORDER

Jaipur, October 18, 1960.

No. F. 12 (1) LJ/B/60.—In pursuance of General Administration Department Order No. F. I (1) GA/A/60 dated 11th October,

1960, the Governor is pleased to order that Legal Remembrancer to the Government of Rajasthan shall consider objections to, approval and modification of, the scheme, under section 68 (D) of the Motor Vehicles Act, 1939 (Central Act 4 of 1939).

By Order of the Governor,  
D. C. SHARMA,  
Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated November 17, 1960 at page 484-485*

# Home (B-Gr. I) Department

## NOTIFICATION

Jaipur, October 26, 1960.

No. F. 1 (7) 1 H (B-Gr. I) 59.—In exercise of the powers conferred by sub-section (1) of section 44 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) and in supersession of Home (B) Department Notification No. D. 5698/F. 1 (7) 1/HB/59, dated the 3rd November, 1959 the Government of Rajasthan is pleased to re-constitute the State Transport Authority for the State of Rajasthan as under:—

1. Chairman—Shri D. C. Sharma, R.H.J.S., Law Secretary to the Government of Rajasthan.

2. Official Members:—

(1) The Secretary to the Government of Rajasthan Home Department.

(2) The Deputy Inspector General of Police, Head quarters.

(3) The Chief Engineer, Roads and Buildings.

3. Non-Official Members:—

(1) Shrimati Sumitra Devi, M.L.A.—Representing Jaipur Region;

(2) Shri Makhtur Mal Singhvi—Representing Jodhpur Region.

(3) Shri Kanhaiya Lal Sethia—Representing Bikaner Region.

(4) Shri Umaid Mal Naheta—Representing Kota Region;

(5) Shri Tej Mal Bapna, M.L.A.—Representing Udaipur Region;

(6) Shri Harish Candra Golecha—Representing Trade and Commerce;

4. Member-cum-Secretary and Executive Officer:—

*The Director of Transport for the State of Rajasthan.*

By Order of the Governor,  
Z. S. JHALA,  
Secretary to the Government.

## Notifications under

### MOTOR VEHICLES ACT, 1939

Notification No. F. 1 (3) (32) HB. I/62.—In exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the State Government hereby constitutes with immediate effect the Motor Accidents Claims Tribunals consisting of one member each, specified in column (1) of the Table appended hereto for the areas specified against each in column (3) thereof and appoints the officer specified against each in column (2) of the said Table as the member of such Tribunal, namely :—

TABLE.

Claims Tribunal 1	Member 2	Area 3
1. Motor Accidents Claims Tribunal, Jaipur Region.	District and Sessions Judge, Jaipur City.	Districts of Jaipur, Ajmer, Alwar, Bharatpur, Sikar, Jhunjhunu, Sawai Madhopur and Tonk.
2. Motor Accidents Claims Tribunal, Jodhpur Region.	District and Sessions Judge, Jodhpur.	Districts of Jodhpur, Barmer, Jalore, Jaisalmer, Nagaur, Sirohi and Pali.
3. Motor Accidents Claims Tribunal, Udaipur Region.	District and Sessions Judge, Udaipur.	District of Udaipur, Bhilwara, Chittorgarh, Dungarpur and Banswara
4. Motor Accidents Claims Tribunal, Bikaner Region.	District and Sessions Judge, Bikaner.	District of Bikaner, Churu and Ganganagar.
5. Motor Accidents Claims Tribunal, Kota Region.	District and Sessions Judge, Kota.	Districts of Kota, Bundi and Jhalawar.

[Pub. in Raj. Gaz. Part-IV (Ga.)—Dt. 9-11-1964]

Home 'B', Gr. I Department

Jaipur, January 21, 1965.

Notification No. F. 1 [1] [9] HB. I/64.—In exercise of the powers conferred by sub-section [1] of section 43 of the Motor Vehicles Act, 1939 (IV of 1939) and having regard to the requirements of clauses [a] to [d] of the said sub-section and in supersession of all the directions previously issued in this behalf the State Government hereby issues

the following directions to the State Transport Authority regarding fixing of fares for stage carriages, plying in the cities of Rajasthan, as defined in clause [5] of section 3 of the Rajasthan Municipalities Act, 1959. (Rajasthan Act 8 of 1959), the same having been previously published as required by the proviso to the said section, namely:—

#### Directions

Fares inclusive of 20% Passangers Tax leviable under the Passangers and Goods Taxation Act, 1959, for State carriages plying in the cities of Rajasthan, as defined in clause (5) of section 3 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), shall be not more than five paise per passanger per mile or partthereof, and the same will be shown on the ticket as (4.2 paise fare and .8 paise-passanger tax).

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 4-3-65—Page 872]

#### HOME 'B' (GR. I) DEPARTMENT

Jaipur, September 24, 1965.

Notification No. F. I. (3) (32) HB. I/62.—In exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and in supersession of this department notification No. F. I (3) (32) HB. Gr. I/63, dated the 9th November, 1964, published in the Rajasthan Gazette, Extraordinary, part IV-C], dated the 9th November, 1964, the State Government hereby constitutes with immediate effect the Motor Accident Claims Tribunal consisting of one member for the whole of Rajasthan and appoints the member Transport Appellate Tribunal, Rajasthan Jaipur as the member of the said Tribunal.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 11-11-65—Page 369]

#### HOME 'B' (GR-I) DEPARTMENT

Jaipur, February 25, 1966

Notification No. F. 1 (3) (42) HB. Gr.1/63.—In exercise of the powers conferred by the proviso to sub-rule (b) of Rule 173 of the Rajasthan Motor Vehicles Rules, 1951, the State Government being satisfied that the motor vehicles. the particulars of which are given below to be plied on 'A' class route having on over hang in excess of that specified in the said Rule, but not exceeding 50% of the wheel base subject to overall length up to the 30th Feet of the vehicle can be used in public place without any danger to public safety, hereby exempts the said vehicle from the operation of the said sub-rule :—

Name of owner	Shri Prabhulal s/o Mahadevlal of Jaipur.
Class of vehicle	H. M. V.
Type of body	Bus
Makers name	Bedford.
Year of Manufacture	1962.
Horse power	30.
Chassis No.	J. 423 P. 6. 136638.

Engine No. 3133575.  
Makers classification if  
not known wheel base "165"  
Registration No., if the vehicle has been registered. UPS. 6694.

[Pub. in Raj. Gaz. 4 (Ga)-Dt. 7-4-66 Page 32]

Home 'B' Gr I Department

Jaipur, May 31, 1966.

Notification No F 2 [4] [61] HB Gr. 1/65.—In exercise of the powers conferred by sub-clause (ii) of clause (d) of sub-section (1) of section 43 of the Motor Vehicles Act, 1930 (Central Act 4 of 1939), the State Government hereby makes the following amendment to this Department notification No. D. 10495/T. C. /50, dated the March, 1951 namely:—

#### AMENDMENT

After item 2 of the said notification the following note shall be added, namely:—

Note:—The rates of fares and freight specified above shall not apply in the case of transportation of Railways goods and parcels by Out Agency by the Rajasthan State Road Transport Corporation from Abu Road to Mount Abu and vice versa."

[Pub. in Raj. Gaz. 4 (Ga) Dt. 7-7-66 page 215]

Home 'B' (Gr. I) Department

Jaipur, July 20, 1966.

Notification No. F. 12 (1) (31) HB Gr. 1/62.—In exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and rule 108 of the Rajasthan Motor Vehicles Rules, 1951, the State Government hereby re-constitutes the Appellate Tribunal Transport Department cum Motor Accident Claims Tribunal for purposes of the above noted law and Rules and appoint Judge, Labour Court, Rajasthan, as Member, Appellate Tribunal. Transport Department-cum-Motor Accident Claims Tribunal with effect from the date he took over charge of the post from Shri P.C. Gupta, Member, Appellate Tribunal, Transport Department, Rajasthan, Jaipur-cum-Motor Accident Claims Tribunal.

This supersedes this Department Order of even number dated 11-4-66.

[Pub. in Raj. Gaz. 4 (Ga) Dt. 11-8-66 Page 255]

## Home 'B' (1) Department

Jaipur, June 27, 1966.

**Notification No. F. 1 (3) 14/H(B-Gr-1)/66.**—In exercise of the powers conferred by sub section (1) of section 133-A of the Motor Vehicles Act, 1939 (Central Act 4 of 1939); and in supersession of this Department Notifications No. F. 3 [4] HT/51, dated the 7th March, 1952, 3rd May, 1952, 5th June, 1952, 5th February 1953 and 11th June, 1953, the State Government hereby orders that the officers appointed from time to time on the posts specified below for the purposes of the said section shall be the officers of the Motor Vehicles Department and shall exercise the powers and perform the duties assigned to them from time to time under the said Act, the Rules and the Notifications issued thereunder. They shall carry out the instructions and orders issued by the Government of Rajasthan/Director of Transport, Rajasthan, Jaipur from time to time:—

1. The Director of Transport, Rajasthan, Jaipur.
2. The Deputy Director of Transport, Rajasthan, Jaipur.
3. The Regional Transport Officers.
4. The Assistant Regional Transport Officers.
5. The Motor Vehicles Inspectors.
6. The Motor Vehicles Sub-inspectors.
7. The Members of the 'Board of Inspection'.

[Pub. in Raj. Gaz. 4 (Ga)-Dt. 11-8-66—page 264]

## Home 'B' (1) Department

Jaipur; October 25, 1966.

**Notification No. F. 1 (9) 19/H (B-Gr1)/65.**—In exercise of the powers conferred by clause [i] of sub-section [1] of section 43 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the State Government hereby issues the following directions to the State Transport Authority, the same having been previously published in the Rajasthan Rajpatra, Extraordinary, dated 4-4-1966, Part III-B as required by the proviso to the said section, namely:—

## AMENDMENT OF DIRECTIONS

For item 1 of the said directions, the following shall be substituted, namely:—

"1. Fares exclusive of Passangers Tax leviable under the Rajasthan Passangers and Goods Taxation Act, 1959 for Stage Carriages plying on all Classes of Routes in Rajasthan shall be as under.—

## STAGE CARRIAGES

1. 'A' Class Route.

(a) Ordinary,            3 Paise Kilometer per passenger

(b) Express-Mail

(i) First 100

Kilometer

4

,,

,,

,,

## (ii) Beyond 100

	Kilometer	3 Paise	Kilometer per passenger
2.	'B' Class Route 4	" "	" "
3.	'C' Class Route 5	" "	" "

These rates will be the maximum rates subject to the condition that the minimum fare chargeable would be for 10 Kilometers."

[Pub. in Raj. Gaz Ex. 4 (Ga)-Dt. 25-10-66 Page 417]

Home 'B' (1) Department  
Jaipur; December 14, 1966.

Notification No. F. 1 (1) ( 13 ) HB./Gr.-1/64.—In exercise of the powers conferred by sub section (1) of section 43 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the State Government hereby issues the following directions for giving effect to any agreement entered into with other State Governments for the regulation of Motor Transport, the same having been previously published in the Rajasthan Rajpatra No. 8, part III (B), dated the 26th May, 1966 namely:—

## DIRECTION

1. The State Transport Authority shall direct all Regional Transport Authorities in the State of Rajasthan that the Regional Transport Authority of the Home State should invite applications for Stage Carriage permit—Public Carrier permit through local newspapers for the entire inter state route and specify a date up to which the applications would be received.

2. After receipt of the application a summary of the applications should be published in the Official Gazette and the leading newspaper of the State and objections should be invited from all those who are likely to be affected by the proposed grant of the permits, including the Railway Administrations concerned. For this purpose a copy of the notice issued by the Regional Transport Authority should be sent to the Local Railway Administration.

3. After hearing the objections as provided in the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the Regional Transport Authority should select applicants for the grant of permits, keeping in view the conditions laid down by the Inter State Transport Commission in the behalf in respect of regular permits for public carrier for routes exceeding distances of 300 miles/kilometers.

4. The cases of the applicants who are granted permits should be referred to the State Transport Authority/Regional Transport Authorities of the other States concerned who will grant the countersignature as the matter of course without following the elaborate procedure laid down in section 57 of the said Act.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 15-12-66 Page 453 (12)]

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*Rules and Notifications under*

MOTOR VEHICLES TAXATION ACT, 1951 THE  
RAJASTHAN ( 9 OF 1951 ).

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# THE RAJASTHAN MOTOR VEHICLES TAXATION RULES, 1951.

Government of Rajasthan  
Home Department.

NOTIFICATION  
Jaipur, April 12, 1951.

*No. D. 40/HT /51.*—In exercise of the powers conferred by section 22 of the Rajasthan Motor Vehicles Taxation Act, 1951 the Government of Rajasthan is pleased to make the following rules, namely:—

## *Notes.*

Rajasthan Motor Vehicles Taxation Act, 1951 provides for the imposition of tax on motor vehicles throughout the State of Rajasthan Sub-section (1) of Section 22 of the Act authorises the State Government to make rules for carrying out the purposes of the Act. Sub-section (2) of section 22 of the Act requires the State Government to make rules for all or any of the following purposes, that is to say—

(2) In particular and without prejudice to the generality of the foregoing power, the [State Government] may make rules for all or any of the following purposes, that is to say—

- (a) prescribing the manner and the form which, and the authority to which, applications for payment of tax under this Act shall be presented;
- (b) prescribing the form of any certificate, declaration, notice, receipt or token, and the particulars to be stated therein, and the manner of exhibiting a token on a motor vehicle;
- (c) prescribing the manner in which, and the fee on payment of which, a token granted under this Act may be transferred;
- (d) prescribing generally the authorities by whom and the manner in which any duty in respect of or incidental to the carrying into effect of the provisions of this Act may be performed;
- (e) regulating the method of assessment, payment and recovery of tax;
- (f) regulating the manner in which exemption from and refunds of tax may be claimed and granted;
- (g) regulating the manner in which appeals may be instituted and heard;
- (h) providing for the exemption for a limited period from liability to taxation in respect of any motor vehicle brought into Rajasthan by persons making only a temporary stay in [the State of Rajasthan];
- (i) any other matter which may be prescribed;

These rules have been framed under the authority of aforesaid section 22.

1. *Short title and application.*—(1) These rules may be called the Rajasthan Motor Vehicle Taxation Rules, 1951.

(2) They shall, save as otherwise expressly provided, apply to, and in relation to, all motor vehicles in Rajasthan with immediate effect.

2. *Definitions.*—(1) In these rules, unless there is anything repugnant in the subject or context—

(a) “the Act” means the Rajasthan Motor Vehicles Taxation Act, 1951;

(b) "Form" means a form appended to these rules;

(c) "Token" means a token issued under these rules, and

(d) "Quarter" means a period of three calendar months expiring on 31st March, 30th June, 30th September, or 31st December.

(2) Words and expressions used but not defined in these rules and defined in the Motor Vehicles Act, 1939 (Act IV of 1939), and the Rajasthan Motor Vehicles Rules, 1951, shall have the meanings assigned to them therein.

3. *Authority appointed under the Act.*—The Regional Transport Officers or Assistant Regional Transport Officers appointed under rule 3 (k) of the Rajasthan Motor Vehicles Rules, 1951, shall be the Taxation Officers for the purpose of the Act and these rules.

*Notes*

Clause (d) of section 2 defines "Taxation Officer" as an Officer authorised by Government to perform the duties imposed and exercise the powers conferred upon a Taxation Officer by the Act. This rule gives this authorisation to Regional Transport Officers and Asstt. Regional Transport Officers appointed under Motor Vehicles Act.

Words "or Assistant Regional Transport Officers" in Rule 3 have been newly added vide amending notification No. F. 10 (5) 3/Home II/53 II dated 27-10-55 published in Rajasthan Rajpatra part IV (C) dated 26/11/55.

4. *Payment of the tax: Procedure regarding.*—The Tax payable under the Act shall be payable in advance to the Taxation Officer by the owner of the motor vehicle or the manufacturer or dealer in motor vehicles, as the case may be, in the manner explained below:—

(a) When the tax is to be paid for a calendar year, it shall be paid not later than the 15th day of January in each year.

(b) If the tax is to be paid quarterly, it shall be paid not later than the 15th day of January, April, July and October, in each year.

(c) The tax may be paid for two or more quarters of the calendar year in advance.

(d) The tax shall be paid in cash or by postal money order.

5. *Supply of forms.*—Copies of Forms M.T.A., M.T.B., M.T.D., M.T.F., M.T.G., M.T.H. and M.T.J. prescribed by these rules may be obtained on application to the Taxation Officer.

6. *Presentation of declaration.*—(1) Every person who, either on the commencement of the Act or thereafter on becoming possessed of a motor vehicle, becomes liable to the tax under the Act shall, within 15 days of becoming so liable, complete, sign and deliver to the Taxation Officer the declaration prescribed by section 8(1) of the Act.

(2) Every such declaration shall be in Form M.T.A or Form M.T.H., as the case may be.

(3) Every declaration duly completed and signed shall be delivered to the Taxation Officer by the person possessing the motor vehicle in respect of which the declaration is made, either personally or by an agent appointed by him for this purpose together with the amount of tax or of instalment of tax due which may be first ascertained from the office of the Taxation Officer.

(4) Every declaration shall be accompanied by the original certificate of registration of the motor vehicle, together with a certificate of insurance or a cover note issued in pursuance of sub-section (4) of section 95 of the Motor Vehicles Act, 1939 (Act IV of 1939). In the case of a Transport Vehicle, the permit, in original, issued in respect of the vehicle under the Rajasthan Motor Vehicle Rules, 1951, shall also be produced.

7. *Presentation of additional declaration.*—(1) Every person who becomes liable to an additional tax under section 9 of the Act shall, within 15 days from the date on which the alteration of the vehicle was completed, complete, sign and deliver to the Taxation Officer a declaration in Form M T.B. either in person or by an agent appointed by him together with the amount of the additional tax due which may first be ascertained from the office of the Taxation Officer.

(2) With every such declaration, there shall be presented to the Taxation Officer, the certificate of registration issued in respect of the motor vehicle and also the permit issued under the Rajasthan Motor Vehicles Rules, 1951, if the vehicle is a transport vehicle.

8. *Taxation Officer to see that declaration is complete.*—The Taxation Officer shall satisfy himself that every declaration or additional declaration presented to him is complete in all respects and that the correct amount of tax or additional tax, as the case may be, has been paid, according to the Schedules appended to the Act.

#### Notes

Rule 6, 7 and 8 have been framed for the requirements of section 8 of the Act.

The owner of every motor vehicle shall every year make a declaration in respect of it in the prescribed form stating the prescribed particulars and shall deliver the declaration within the prescribed time to the Taxation Officer and shall pay to him the tax which he appears by such declaration to be liable to pay in respect of such vehicle.

(2) Where a motor vehicle is altered so as to render the owner thereof liable to the payment of an additional tax under section 9, such owner shall make within the prescribed time an additional declaration in the prescribed form showing the nature of the alteration made and deliver it to the Taxation Officer and shall pay to him the additional tax payable under section 9 which he appears by such additional declaration to be liable to pay in respect of such vehicle.

9. *Production of motor vehicle before Taxation Officer.*—For the purpose of assessing the tax the Taxation Officer or any other officer authorised by him in writing in this behalf may require that a motor vehicle, in respect of which the tax is to be assessed, be produced before him, for inspection.

10. *Fraction of annas to be counted as one anna.*—For the purpose of calculating the amount of the tax payable by, or the sum payable for composition by, or the amount of refund due to, any person under the Act or these rules, a fraction of an anna shall be counted as one anna.

**11. Deleted****12. Calculation of additional tax under section 9 of the Act.—**

The tax payable under section 9 of the Act, in respect of a vehicle which has been altered so as to make it liable to tax at a higher rate than has been paid will be calculated as follows. The Taxation Officer will assess in accordance with the scales laid down in the Schedules to the Act, the amount of tax payable on the vehicle as so altered for the period commencing on the day on which the vehicle has been altered and ending on the last day of the period for which the tax has been paid previously to the alteration, in like manner as if the tax became first payable on the date of alteration. He will then deduct from the tax so assessed an amount equal to one-twelfth of the annual rate at which the tax has already been paid, for every complete month in respect of which he has assessed the tax at the higher rate.

*Notes*

Section 9 of the Act provides that,

Where any motor vehicle in respect of which the tax has been paid is altered in such a manner as to cause the vehicle to become a vehicle in respect of which a higher rate of tax is payable, the owner thereof shall be liable to pay an additional tax of a sum which is equal to the difference between the tax already paid in respect of such vehicle and the tax which is payable in respect of such vehicle after its being so altered.

Previous rule No. 11, as reproduced below, has been deleted vide amending notification No. F. 10 (5)-9/Home-II/52 published in Rajasthan Rajpatra dated 8/8/1953 part I.

For the purposes of Articles I, II and III of the First Schedule to the Act in accordance with which the assessment of a private motor vehicle will depend upon the unladen weight of the vehicle, the unladen weight shall be either the unladen weight as given in the manufacturer's specification, or the ascertained unladen weight of the vehicle, if, in places where a weighbridge is available, the Taxation Officer so directs. If an assessee is unable to state the unladen weight of his vehicle in his declaration, he may leave this entry to be made by the Taxation Officer.

**13. Alteration of a motor vehicle making it liable to a lower rate tax.—**Whenever a motor vehicle is altered in such a way that after such alteration it is liable to tax at a lower rate than the tax which has been paid, then—

(i) if such alteration is due to its conversion from a transport vehicle into a private motor vehicle, the owner thereof may apply for the cancellation of its registration as a transport vehicle and on such cancellation he will pay the tax due for the private motor vehicle and will then be entitled to claim a refund that may be due for every complete calendar month in respect of which the tax has been paid and which is unexpired on the date of alteration.

(ii) If such alteration is not due to its conversion from a transport vehicle into a private motor vehicle, the owner thereof may apply to the registering authority for the correction of the certificate of registration of such vehicle. When the said certificate has been corrected the owner of the vehicle should make a declaration in Form M.T.A. and apply to the Taxation Officer for the re-assessment of such vehicle. If the Taxation Officer is satisfied that the vehicle

has been altered in such a way as to make it liable to tax at a lower rate than the tax which has been paid, he shall, with effect from the date following the date of expiry of the token of the said vehicle, assess the said vehicle at the appropriate lower rate, and the owner thereof shall thereupon pay with effect from such date the tax as so reduced.

14. *Reduction of tax when a person keeps more than 10 motor vehicles for use solely in the course of trade and industry*—(1) Any person who claims a deduction of tax under section 4 (3) of the Act in respect of motor vehicles owned by him, must present simultaneously a complete declaration in Form M. T. A. in respect of each vehicle possessed by him accompanied by an application in respect of his claim.

(2) If a person who has already paid the tax in respect of one or more motor vehicles, becomes possessed of more vehicles so that the total number of motor vehicles kept by him in the course of trade or industry exceeds 10, he shall not be entitled to any rebate until the expiry of the period for which the tax has already been paid by him in respect of the various vehicles separately. The rebate will be allowed only from the date from which tax for all such vehicles is simultaneously paid.

15. *Issue of receipt and token.*—(1) When the tax or additional tax has been paid, the Taxation Officer shall issue, or instruct the Transport Inspector or other subordinate officer to issue, a token in Form M.T.C. II and shall complete and return to the person who has paid the tax, the certificate in part II of Form M. T. A. or of Form M T. B. as the case may be.

(2) Every certificate and token issued under these rules shall be valid until the date of expiry endorsed thereon and shall thereafter be renewed in the manner prescribed by rule 16.

#### *Notes.*

For the words, letters and figures "the Taxation Officer shall issue a token in Form M. T. C.-II signed by himself" in sub-rule (1) of rule 15, the words, marks, letters and figures "the Taxation Officer shall issue, or instruct the Transport Inspector or other subordinate officer to issue, a token in Form M.T.C.-II" have been substituted vide amending notification No. F. 10 (5)-H 2/55 dated 2-2-56, published in Rajasthan Rajpatra, part IV(c) dated 17-3-56, hereafter to be called as notification No. 1.

16. *Renewal of token.*—Every application for the renewal of a token under the Act shall be made in Part I of Form M.T.D., and shall be presented, together with the certificate of registration and the token which has expired or is about to expire, to the Taxation Officer in the manner and within the time prescribed by rule 6 for the presentation of a declaration. In the case of a transport vehicle, the original permit issued in respect of the vehicle under the Rajasthan Motor Vehicles Rules, 1951 and a certificate from a competent authority to the effect that the tax if any payable under the Rajasthan Passengers and Goods Taxation Act, 1959, has been paid, shall also be produced. On receipt of such application and of the tax which has become due, the Taxation Officer shall issue, or instruct the Transport Inspector or other subordinate officer to issue a new token, and shall also issue a receipt in Part II of Form M.T.D., the

token and receipt being valid until the expiry of the period in respect of which the tax has been paid. The expired token shall be defaced and filed in the office of the Taxation Officer.

Provided that, in the case of private cars, part I of form MID may be filled in by the Secretary, Automobile Association of Upper India, on behalf of the applicant, provided the applicant is a member of the said Association.

*Notes.*

The proviso as appearing in Rule 16 has newly added vide amending notification No.F. 10 (8)-15/Home. II/53-11 dated 17/6/55, published in Rajasthan Rajpatra part IV [c] dated 30/7/55.

In this rule No. 16 for the words letters and figures "the Taxation Officer shall grant a new token and a receipt in Part II of form M. T. D. valid until expiry", the words, letters, marks & figures" the Taxation Officer shall issue or instruct the Transport Inspector or other subordinate officer to issue a new token, and shall also issue a receipt in part II of Form M. T. D. the token and receipt being valid until the expiry" have been substituted vide notification No. 1 as referred to above.

Words appearing in brackets between words "Motor Vehicles Rules 1951" and "shall also be produced" have been inserted vide Home B-Gr. I Department Notification No. F, 1 [1] [9] H [B-Gr. 1] 61 dated July 10, 1961.

17. *Manner of exhibiting token.*—The token issued in respect of every motor vehicle shall be enclosed in a circular holder of weather proof construction and shall be affixed on the windscreen or other conspicuous position and on a side of the vehicle which is to the left-hand of the driver when driving, in such a way as to be clearly readable from the front of the vehicle :

Provided that, in the case of a trailer, the token shall be affixed in the manner prescribed by this rule to the front portion of the motor vehicle by which such trailer is being drawn.

18. *Defacing tokens.*—No person shall alter, deface, mutilate or add anything to a token issued under rule 15 or rule 16 or exhibit a token on any vehicle other than the vehicle in respect of which it was issued.

19. *Imitation and illegible tokens.*—No person shall exhibit in the manner provided in rule 17 any imitation of a token, or use on any vehicle a token which has become illegible.

20. *Loss etc. of tokens.*—(1) If any token issued under these rules is lost, destroyed, defaced, altered or has become illegible, the owner or person in charge of the vehicle in respect of which it was issued shall immediately report the fact to the Taxation Officer who issued the token and return to him the original token which is defaced or has become illegible. He will also apply to him for a duplicate token.

(2) If the original token which was reported to have been lost, is found after the duplicate has been issued, the owner of the vehicle shall surrender it to the Taxation Officer.

21. *Duplicate tokens* —On the receipt of any such report and application as is prescribed by rule 20, the Taxation Officer shall, on payment by the applicant of a fee of one rupee, issue a duplicate token. Such duplicate token shall be marked with the word 'duplicate' written in red ink across it and shall for the purposes of the Act and these rules be deemed to be a token.

22. *Token for vehicles exempt from tax*—(1) Subject to the exceptions prescribed by rule 30, owners or persons in charge of motor vehicles which are totally exempt from payment of the tax under the provisions of rule 28, shall complete and sign a declaration in Form M.T.A. and present it to the Taxation Officer in the manner prescribed by rule 6, together with satisfactory proof of the claim to exemption.

(2) On receipt of such declaration and proof, the Taxation Officer shall issue to the applicant, free of charge, the certificate prescribed in Part II of Form M.T.A. and a token in Form M.T.C. II valid until the thirty-first day of December next following the date of issue of such token.

(3) Every such token shall be marked "Exempt" in the space provided for the entry of the Article under which the motor vehicle would otherwise be taxable, and shall be carried on the motor vehicle in respect of which it is issued in the manner prescribed by rule 17.

23. *Issue of notice to owners, manufacturers or dealers of motor vehicles*.—(1) The Taxation Officer, on receiving information that any person keeps a motor vehicle for use, sale or repairs, may require him to complete, sign and deliver a declaration in respect thereof, and may serve upon him at once a special notice in Form M.T.E. Such notice may be sent to the person by post or may be served upon him in person or (if service cannot be made upon him in person) upon any adult male member of his family. If the notice cannot be served in the manner aforesaid, it may be served by affixing it to some conspicuous part of his place of residence or business, or in such manner as the Taxation Officer may think fit.

(2) Nothing in this rule shall be deemed to absolve any person who keeps a motor vehicle from the obligation, imposed upon him by section 8 of the Act and rule 6 above of making a declaration in the event of no notice having been served upon him.

24. *Production of receipt and token before a Police Officer or an Officer of the Transport Department*.—Every Police Officer or Officer of the Transport Department who is on duty and in uniform may order a motor vehicle to stop in order to ascertain whether a receipt and token therefor have been obtained. Should he discover that a receipt of token has not been renewed, he shall make a report to the Taxation Officer stating the type or class of the vehicle, its registered number and the name of the owner and driver, for such action as that Officer may consider necessary.

#### *Notes*

The rules 15 to 24 are meant for the purposes of Section 10 of the Act which provides that:—

(1) The Taxation Officer shall grant and deliver to every person who pays to him the tax in respect of any motor vehicle a receipt in which shall be specified the particulars of the tax paid and also a token of such form and containing such particulars as may be prescribed.

(2) Every person to whom such token is delivered shall cause it to be exhibited in the prescribed manner on the vehicle in respect of which the tax is paid.

25. *Refund of tax.*—(i) A refund of tax paid shall be granted as mentioned in section 7 of the Act, if it is proved to the satisfaction of the Taxation Officer that the motor vehicle in respect of which a refund is claimed unused for a continuous period of not less than three months since the tax or instalment of tax was last paid. When the owner of a motor vehicle intends to withdraw the vehicle from use for a period of not less than three months, the registration certificate and the token in respect of the motor vehicle should be surrendered to the Taxation Officer together with a declaration in Part I of Form M.T.G. at the time when the vehicle is withdrawn from use. The Taxation Officer will complete Part II of Form M.T.G. and return it to the applicant, and will at the same time enter in the registration certificate the date of its surrender. On the receipt of application in Part III of Form M.T.G. the certificate of registration and token will be returned to the applicant, if the period for which the tax has been paid is unexpired on the date of such application.

(ii) The cancellation of the registration of a motor vehicle under the Rajasthan Motor Vehicles Rules, 1951, or its alteration as contemplated in rule 13 (1) above, will also entitle the owner of the motor vehicle to claim a refund for every complete calendar month in respect of which the tax has been paid and which is unexpired on the date of cancellation.

26. *Method of claiming refund and payment thereof.*—(i) Any person claiming a refund of tax shall present to the Taxation Officer to whom the tax was originally paid an application in Part I of Form M.T.F. within two months of the expiry of the period in respect of which the refund is to be claimed accompanied by the receipt, in original or a certified copy thereof, of the tax paid on the motor vehicle. No claim for refund shall be entertained if not made within the above mentioned period. The application shall specify the following particulars, namely:—

(a) When a refund is claimed for the reason that a vehicle remained unused for a continuous period of not less than 3 months, the applicant should produce proof to support the statement.

(b) In the case of refund claimed owing to the cancellation of the registration certificate of a motor vehicle, the application shall be supported by a certificate signed by the Registering Authority to the effect that the registration of the motor vehicle in question has been cancelled.

(ii) On receipt of the application under sub-rule (i) the Taxation Officer shall verify the particulars entered therein and if satisfied that the refund claimed is due, sanction a refund of the tax equal to  $1/12$ th of the annual rate of the tax payable on such vehicle multiplied by the number of complete calendar months for which the refund may be due and shall issue to the applicant a refund voucher in the Form M.T.K.

(iii) Any person to whom a refund voucher is issued under sub-rule (ii) shall on its presentation at the Treasury named therein within fifteen days from the date of its issue, be entitled to the payment of the sum mentioned therein. If it is not so presented within the period of 15 days, it shall, subject to the provisions of sub-rule (iv), be deemed to be cancelled.

(iv) The Taxation Officer may, at any time not exceeding two months after the date of issue of an order of refund which is deemed to have been cancelled under sub-rule (iii) renew the said order of refund; and the provisions of sub-rule (iii) shall then apply to the renewed refund voucher as though the date of renewal were the date of issue.

(v) If the Taxation Officer refuses to sanction the refund applied for or does not sanction the full amount claimed, he shall communicate the reasons in writing to the applicant.

(vi) The Taxation Officer shall maintain a register of refunds of the tax and every amount for which a certificate in Form M.T.K. has been issued shall be entered in the register.

#### Notes.

Section 7 of the Act provides that :—

When any person who has paid the tax or instalment of tax proves to the satisfaction of the Taxation Officer that the motor vehicle in respect of which such tax or instalment has been paid, has not been used for a continuous period of not less than three months since the tax or instalment was last paid, he shall be entitled to the refund of an amount equal to 1/12th of the annual rate of the tax paid in respect of such vehicle for each complete month of the period for which such tax or instalment has been paid.

27. *Exemptions and exceptions.*—Under section 3 of the Act the Government are pleased to exclude from the operation of the Act the classes of motor vehicles specified in rules 28 & 29 to the extent specified therein :

Provided that no transport vehicle registered outside Rajasthan and brought within it for temporary use shall be so excluded unless reciprocal arrangements for exemption from the payment of the tax have been agreed to and are certified to exist by the Rajas-

than Transport Authority constituted under section 44 of the Motor Vehicles Act, 1939 (Act IV of 1939).

28. *Complete exemption from payment of the tax.*—Motor vehicles of the following classes are totally exempt from liability to taxation :—

- (a) Motor vehicles which are meant for the personal use of the Rules of Indian States and the immediate members of their families i. e., their consorts and children.

*Notes.*

Clause (a) of rule 28 has been substituted vide amend Notification No. D. 6763/F. 1 (4) (7) Home (B)/58 dated 11-8-58, published in Rajasthan Raj-patra part IV (c) dated 28-8-58.

- (b) Motor vehicles owned and exclusively used by or on behalf of any department of the Central Government, the Government of Rajasthan, or the Government of any other State of India other than those used in connection with the business of a railway or any other commercial enterprise.
- (c) Motor vehicles owned by a local authority in Rajasthan and used solely for road cleansing, road watering or conservancy purposes.
- (d) Motor vehicles used in Rajasthan solely for Fire Brigade or ambulance purposes.
- (e) Any vehicle used in Rajasthan solely for the conveyance of corpses.
- (f) Any motor vehicle used in Rajasthan for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety.

(g) Any motor vehicle owned by, and used solely for the purposes of, any educational institution which is recognised by the Government or whose managing committee is a society registered under the Societies Registration Act 1860, of the Central Legislature as adapted to Rajasthan.

(b) And tractor or a combination of a tractor and a trailer used solely for carrying out agricultural operations :

Provided that when such a tractor, or a combination of a tractor and a trailer is used for hire or reward, it shall be liable to payment of tax in accordance with Schedule II to the Act.

Explanation :—for the purpose of this clause, the expression “Agricultural Operations” shall mean tilling, sowing, harvesting or crushing of Agricultural produce, or any other similar operation carried out for the purpose of agriculture, and shall include carrying of produce of farm to market towns and manure and seeds from market towns to farm”.

*Notes.*

The present clause (h) of rule 28 has been newly added vide amending notification No. F. 10 (2) S. H. 2/52 dated 20/1/57, published in part IV (c) dated 7/2/57, Original clause (h) has been renumbered as (i) of rule 28.

(i) Private vehicles (other than transport vehicles), registered outside Rajasthan; brought temporarily in Rajasthan and used or kept for use therein for a period not exceeding thirty days :

Provided that when such a motor vehicle is used or kept for, use in Rajasthan for a period exceeding thirty days the liability to tax in respect thereof shall commence on the day on which the motor vehicle was first brought into Rajasthan.

As soon as such a motor vehicle is brought into Rajasthan the owner of the person in charge of the vehicle shall send an intimation to the Taxation Officer in form M. T. J. The tax payable shall be 1/12th of the appropriate annual rate for each calendar month or part of a calendar month.

(j) Motor Vehicles of other States visiting Rajasthan under reciprocal arrangements.

*Notes.*

Present clause (j) has been newly added vide Home (B) Department Notification No. F. 13 (3) HB/51 dated February 11, 1959, published in Rajasthan Raj-patra part IV (c) dated March 12, 1959.

29. *Partial exemption from payment of tax.*—Motor vehicles used for the conveyance of pupils to and from a school shall be liable to half the tax prescribed for private vehicles under Article III of Schedule I to the Act.

*Notes.*

Sub-section (1) of section 4 provides that,

(1) The [State Government] may by notification in the [Official Gazette] exempt either totally or partially any motor vehicles or class of motor vehicles from the payment of the tax imposed by this Act.

Rules 27, & 28 have been framed for putting into effect the requirements of this sub-section.

29 A. No. tax shall be levied in case of temporary replacement of stage carriage not exceeding 10 days, if the stage carriage produced in replacement has already paid tax for the same route.

*Notes.*

This rule has been newly added vide amending notification No. D. 3357/F 16 (4) 2/Home, B/56-I, dated 28/8/56, published in Rajasthan Rajpatra part IV (c) dated 6/9/56

30. *Exemption from obligation to make a declaration.*—In the case of motor vehicles registered as military motor vehicles by the Quartermaster General in India, no declaration under section 8 of the Act and no token under section 10 of the Act shall be necessary.

31. *Exemption from prohibition against using a vehicle without a token.*—Notwithstanding any thing contained in section 4 of the Act, a motor vehicle may be used in public place without a token having been issued or without a token being exhibited, in any of the following circumstances, that is to say, :—

(a) When such motor vehicle is proceeding to the office of the Taxation Officer for the purpose of being assessed or of paying the tax; or

(b) When a token has been lost and an application has been made under rule 20 for a duplicate token; or

(c) Where intimation has been given to the Taxation Officer that the owner of such motor vehicle will prefer an appeal under section 14 of the Act in respect of the assessment of such motor vehicle and such appeal has been preferred but has not been decided.

32. *Compounding of offences.*—Any person accused of an offence punishable under section 11 of the Act may, on payment of the tax, if any, due from him, present an application for compounding the offence to the Taxation Officer who may by way of composition of the offence, accept such sum of money as may in his discretion be appropriate to the nature and gravity of the offence: Provided that in no case shall such sum exceed fifty rupees.

*Notes.*

Section 11 of the Act makes contravention of any of the provisions of the Act or any rule made thereunder penal. Section 12 of the Act, reading as under, permits compounding of offences:—

Where an offence under section 11 has been committed, such offence may at any time before conviction be compounded by the prescribed officer by accepting, by way of composition therefor, a sum of money not exceeding such amount as may be prescribed, together with the amount of the tax, if any, which may be due from the person committing the offence. Such composition shall have the effect of discharging such person from all liability for the offence and no further proceedings shall be taken or continued against him in respect of the offence so compounded.

33. *Recovery of the tax.*—(1) If, in the opinion of the Taxation Officer, the tax should be recovered in the same manner as an arrear of land revenue, he shall cause to be served a notice in Form M.T.E. on the person liable to pay tax under the Act.

(2) If within seven days of the service of the notice the tax is not paid and no reasonable cause for not paying it has been shown, the Taxation Officer shall send to the Collector of the district concerned, a certificate in Form M. T. I. accompanied by a duplicate copy of the notice (Form M.T.E.) already served on the person from whom the tax is due. A copy of the certificate in Form M. T. I. shall also be sent to the person liable to pay the tax.

*Notes.*

Section 13 of the Act provides that,

When any person without any reasonable cause fails or refuses to pay the tax, the Taxation Officer may forward to the Collector of the District concern-

ned a certificate over his signature specifying the amount of tax due from such person, and the Collector on receipt of such certificate shall proceed to recover such tax as if it were an arrear of land revenue : provided that the Collector shall not so proceed before the expiry of the period within which an appeal may be preferred under section 14 or; if such an appeal has been preferred it has been decided.

34. *Payment of the daily tax* — In the case of transport vehicles plying on daily permits the daily tax at the rates specified in Schedules II & III to the Act will be paid by the owner or the driver or any other person in charge of such vehicle, to the Taxation Officer or to the officers authorised by him in writing in this behalf at the time of making application for the grant of a temporary permit.

35. The Taxation Officer shall maintain a register of the receipts of the tax giving particulars of tax levied on each class of vehicles under the Act and these rules.

36. Every transfer of ownership of motor vehicle shall be reported, within fourteen days of the transfer, both by the transferor and the transferee to the Taxation Officer to whom the tax in respect of the said vehicle was last paid. The transferee shall at the same time produce before the Taxation Officer the registration certificate and token issued in respect of the said motor vehicle and shall pay a transfer fee of one rupee. The Taxation Officer shall, if he is satisfied that the transfer has taken place substitute in the token and in his register of token, the name of the transferee for that of the registered owner and shall return the registration certificate and token to the transferee.

Provided that no transfer shall be valid until a clearance certificate to the effect that no arrears of tax ( under the Rajasthan Motor Vehicles Taxation Act, 1951 or Rajasthan Passengers and Goods Taxation Act, 1959) are due against the vehicle, is produced by the transferor in the office of the Registering Authority concerned.

#### Notes.

Present proviso to rule 36 has been newly added vide Home (B) Department Notification No. D/490/F. 1 (1)/10/HB/58 dated March 25, 1960, published in Rajasthan Raj-patra, part IV (c) dated July 14, 1960.

37, *Appeals*.—(1) An appeal under section 14 of the Act, shall be by petition in writing, which shall bear a court fee stamp of the value of Rs. 3/-. It shall clearly state the grounds on which the appellant disputes the order. The appellate authority after hearing the appellants and making such enquiry from the Taxation Officer as he may consider necessary, confirm, modify or set aside the order.

(2) If the owner of a motor vehicle has paid a tax of a greater amount than to that which he is found on appeal to be liable, the Taxation Officer shall, on the production of the appellate order, issue an order in writing for the refund of the amount of tax so paid in excess, and the provisions of rules 26 (iii) and 26 (iv) shall apply to such order as if it were an order of refund issued under rule 26 (ii)

Sub-Section (1) of Section 14 of the Act gives a right of appeal to any person aggrieved by an order relating to assessment or recovery of tax and names Director of Transport for Rajasthan as such Appellate Authority. Prescribed limitation for appeal is 30 days from the date of the order.

By Order of  
His Highness the Rajpramukh,  
BHAJAN LAL CHATURVEDI,  
Home Secretary.

*The Rajasthan Motor Vehicles Taxation Rules, 1951.*

FORM M. T. A.

[ See rule 6 (2) ]

**Declaration by owner of a motor vehicle.**

**PART I**

*(To be completed by the owner of the Motor Vehicle.)*

I .....  
residing at .....  
owner of motor vehicle registration No... .. hereby  
apply for the issue of a token under section 10 of the Rajasthan  
Motor Vehicles Taxation Act, 1951. The registration certificate  
together with the certificate of insurance/cover note in respect of  
the vehicle is submitted herewith.

Particulars of the Motor Vehicle are as under ;—

1. Trade name (*e.i.* Ford, Chevrolet, etc.).....
  2. Year of manufacture ... ..
  3. Horse Power... ..
  4. No. of cylinders... ..
  5. Engine No.... ..
  6. Chassis number.... ..
  7. Width and class of each tyre. (pneumatic, resilient or  
non-resilient.).... ..
- ... ..  
... ..  
... ..

8. Unladen weight.....lb.
9. Registered laden weight.....lb
10. Axle weights :-Front Axle.....lb.  
Rear Axle.....lb.
11. Type of vehicle.--
  - (1) Bicycle with/without a side car .....
  - (2) Tricycle with/without a side car.....
  - (3) Vehicle used solely by invalids.....
  - (4) Delivery van .....
  - (5) Vehicle for conveyance of passengers. Seating capacity including driver and conductor if any .....
  - (6) Motor hearse.....
  - (7) Goods Vehicle .....
  - (8) Trailer attached to the motor vehicle--
    - (a) To carry load not exceeding 1 ton....
    - (b) To carry load exceeding 1 ton....
12. The vehicle is to be used--
  - (1) As a private vehicle....
  - (2) To ply on hire or reward for the conveyance of passengers....
  - (3) To ply on hire or reward for transportation of goods on a public carriers permit....
  - (4) To be used for transporting goods under a private carrier's permit....
13. Route--
  - (a) (i) on fixed route from....to....
  - (ii) single or return trip daily....
  - (iii) length of the road....
  - (b) (i) within municipal limits....
  - (ii) within a radius of 40 miles from....
  - (c) on all roads in Rajasthan on a general permit....
  - (d) on all roads in....region....to....

14. I claim exemption from payment of the tax under rule 27/28 and attach here to proof of my claim.

15. I claim a deduction in tax under section 4 (3) of the Act for having kept....vehicles for use for which separate declarations have been put up.

I hereby declare that the above is a true statement of my name and address and of the particulars of the motor vehicle described herein.

I attach to this declaration the permit issued to me in respect of the vehicle described herein.

Date .....

Signature of applicant.

Warning.

The delivery of a declaration which is not true is an offence punishable under section II of the Rajasthan Motor Vehicles Taxation Act, 1951.

## PART II.

*(To be completed by the Taxation Officer)*

Certified that the motor vehicle described above is exempt from tax under rules 27/28 and that token No... ..  
 Book No .. ... dated... .. has been issued.

OR

Certified that according to the above declaration the annual tax payable on the motor vehicle described therein is Rs.....

Certified also that a sum of Rs .. ... has been paid as tax in respect of the said vehicle for the period ending .....19 , and that subject to the correctness of the above declaration this receipt is valid until.....19 . A Token No .. ..... Book No .. . . . issued to the applicant/The Transport Inspector..... (designation of the officer) has been instructed to issue a token to the applicant.

Taxation Officer,

Date .....

.....Region.

Note :--Strike out whichever is applicable.

*The Rajasthan Motor Vehicles Taxation Rules, 1951.*

## FORM M.T.B.

Additional declaration under section 8 (2) of the Act.

## PART I.

*(To be completed by the applicant for payment of additional tax and issue of token.)*

I... .. hereby declare that I have made on... .. the following alterations in my motor vehicle registered No... .. covered by the registration certificate, token and permit (in the case of a transport vehicle only) attached hereto.

Description of alterations :--

Date.... ..

Signature.

## PART II.

*(To be completed by the Taxation Officer.)*

Article under which tax was paid previously to alteration of vehicle.... ..

Amount of tax paid for the period from... .. to

... .. Rs... ..

Article under which tax is payable on the vehicle as altered...

Amount of tax payable from... .. to...

... .. Rs... ..

Deduct for... .. complete months

at Rs... .. per mensem Rs... ..

Net amount of tax payable for the period ending... ..

... .. Rs... ..

16 ]      **The Raj. Motor vehicles Taxation Rules, 1951. [ Form**

Received Rs... .. as additional tax for  
the period ending... ..

Token No ... .. Book No ... .. issued to the appli-  
cant/The Transport Inspector..... designation of officer) has  
been instructed to issue a token to the applicant".

Date..... Taxation of Officer,  
..... Region.

*The Rajasthan Motor Vehicles Taxation Rules, 1951.*

**FORMS M.T.C.-I and M. T.C.-II.**

**Token and Counterfoil token.**

**FORM M.T.C.-I.**

Counterfoil token No .. ..  
Book No .. ..

Token No .. .. issued to .. .. Quarter  
for the period from... .. to .. .. Rs...  
... .. Registered No. of motor vehicles....

Date..... Taxation Officer,  
..... Region.

**FORM M.T.C.-II.**

**Circular in shape**

*The Rajasthan Motor Vehicles Taxation Act, 1951.*

Token No .. .. Book No .. .. Tax paid  
under Article No... .. of Schedule... .. Rs....  
Exempted from payment of tax under rule.... valid  
until .. ..

Issued to .. ..  
Make and type of vehicle... ..  
Engine No .. .. Chassis No... ..  
Registration No.... ..  
Trade Registration Mark... ..

Taxation Officer,  
..... Region.

*The Rajasthan Motor Vehicles Taxation Rules, 1951.*

**FORM M.T.D.**

[See rule (16).]

**Application for renewal of a token.**

**PART I.**

(To be completed by the owner of a motor vehicle.)

1. I..... residing at  
..... hereby apply for the renewal  
until..... 19 .. of the token issued in respect of motor  
vehicle registered as No.....

2. I attach hereto the registration certificate and permits issued in respect of the said motor vehicle for perusal and return to me.

3. I further surrender herewith the token No ..... issued for the period ending ... 19 ..

4. I claim a reduction in tax under section 4 (3) for having kept ..... vehicles for use solely in course of trade or industry for which separate applications for renewal of tokens have been submitted.

Date .. .. .

Signature of applicant.

## PART II.

(To be completed by the Taxation Officer.)

Certified that—

been

1. The reduction in tax has-----admitted;

not been

2. That a sum of Rs ... .. is due and has been paid as an instalment of tax in respect of motor vehicle No ..... ..

3. That a token No ... Book No.... dated..... has been issued valid for the period ending .....19 ..

OR

That the Transport Inspector .... (designation of officer) has been instructed to issue a token valid for the period ending.....19 ..  
Strike off what is inapplicable).

Taxation Officer,

Date ..... ..

.....Region.

*The Rajasthan Motor Vehicles Taxation Rules, 1951.*

FORM M.T.E.

[See rule 23 (1).]

Notice to owner of a motor vehicle.

To ... ..

Address ... ..

Take notice that you are hereby required to fill up, sign and deliver to the undersigned the form of declaration enclosed in respect of every motor vehicle kept by you for use, and to pay the tax due on every such vehicle before the expiration of 7 days from the date of service of this notice.

Failure to deliver the declaration or to pay the tax constitutes an offence under section 11 of the Rajasthan Motor Vehicles Taxation Act, 1951.

Taxation Officer,

Date .....

.....Region.

The....19 ..

*The Rajasthan Motor Vehicles Taxation Rules, 1951*

8.

FORM M.T.F.

[See rule 26 (i).]

## PART I.

## Application for refund of tax.

(To be completed by the claimant.)

I..... residing at  
 ..... having paid a tax of Rs.....  
 ..... in respect of my motor vehicle for the period ending  
 ..... hereby apply for a refund of the said tax on the  
 ground that—

(1) the registration of the said vehicle.....  
 was cancelled on .....

(2) the vehicle remained unused for a continuous period of  
 not less than 3 months from ..... to .....

I hereby surrender the token and Form M.T.A. or M.T.B.  
 issued in respect of the said vehicle.. and attach a certificate  
 duly signed by the registering authority.

I enclose herewith the following proof in support of my state-  
 ment that the vehicle remained unused during the period shown  
 above.

Date.....

Signature of claimant.

## PART II.

(To be completed by the Taxation Officer.)

Claim for refund arose on .... and was presented  
 on.....

Refund admitted for the period commencing..... and  
 ending .....

Amount paid as tax for period commencing... ..  
 .....and ending .....

Amount to be refunded Rs.....

Refund Voucher No..... dated.....  
 of Rs..... delivered/sent to applicant  
 personally by post. Taxation Officer.

Date... 19 ..... Region.

*The Rajasthan Motor Vehicles Taxation Rules, 1951.*

FORM M.T.G.

(See rule 25).

## Surrender of Registration Certificate and Token.

## PART I.

(To be completed by the owner of the motor vehicle.)

I..... residing at  
 ..... hereby declare that  
 I have withdrawn from use my motor vehicle of which the regis-  
 tered No. is..... and that I do not intend to use  
 the said vehicle again for a period of not less than three calendar  
 months.

\*Where registration has been cancelled.

I hereby surrender the certificate of registration and the token issued in respect of the said vehicle.

Date.....

Signature of applicant.

## PART II.

(To be completed by the Taxation Officer.)

Received from..... ..registration  
certificate No... ..and Token No... ..Book  
No. ....valid for the period commencing on.....  
.....and ending on.....

Taxation Officer,  
.....Region.

Date .. .

### PART III.

(To be completed by the owner of the motor vehicle.)

I..... hereby apply for the return of registration certificate and the token described in Part I above.

Date.....

Signature of applicant.

*The Rajasthan Motor Vehicles Taxation Rules, 1955.*

FORM M.T.H.

[See section 19 of the Act and Rule 6 (2) ]

**Declaration by a manufacturer of or dealer in motor vehicles.**

1. Full name of manufacturer or dealer.....
2. Full postal address of usual residence of manufacturer or dealer .....
3. Number and date of trace certificates granted by.....
4. Trade Registration Marks.....

I hereby declare that the information given is true. I tender  
Rs..... being the tax payable for the period from.....  
to.....

Date.....

Signature.....

**Note:—**The delivery of a declaration wherein the particulars required by or under the Rajasthan Motor Vehicles Taxation Act, 1951, and rules thereunder, are not fully and truly stated, is an offence punishable under section 11 of the Act.

### Order of the Taxation Officer.

Certified that the above mentioned manufacturer or dealer is liable to pay the tax under part II of the Fourth Schedule to the Act and that Rs..... are payable for the period from..... to.....

Taxation Officer,  
.....Region.

Date.....

The Tax of Rs. ....mentioned, above has been duly received by me and token No .....Book No .....issued to the applicant/ the Transport Inspector.....(designation of the officer) has been instructed to issue a token to the applicant.

Taxation Officer,  
..... Region.

Date .....

20 ]                      **The Raj. Motor vehicles Taxation Rules, 1951.**                      [ Form  
*The Rajasthan Motor Vehicles Taxation Rules, 1951.*  
**FORM M.T.I.**  
[See rule 33 (2)]

No.....  
To.....  
Dated .....

The Collector,  
..... District,

This is to certify that the sum of Rs. . . . . on account of  
motor taxation on motor motor vehicle No. . . . .  
vehicles Nos..... for the possession of which is due from  
..... is in arrears. With reference to the provisions of  
section 13 of the Rajasthan Motor Vehicles Taxation Act, 1951, you  
are hereby requested to recover it in the same manner as an arrear  
of land revenue. A copy of the notice delivered on.....  
Details of the tax due ... ..

Taxation Officer,  
..... Region.

No.....  
Dated .....

Copy forwarded to .....  
Taxation Officer,

Date.....  
..... Region

*The Rajasthan Motor Vehicles Taxation Rules, 1951.*

**FORM M.T.J.**

[See rule 28 (h)]

**Declaration for private motor vehicles brought temporarily into Rajasthan.**

I hereby declare that I have brought the undermentioned  
motor vehicle into Rajasthan on..... and I intend  
to use it or keep it for use in Rajasthan upto ... ..

- (1) Description of Vehicle.
- (2) Registered Number.
- (3) Maker's Name.
- (4) Type of Vehicle.
- (5) Number of Chassis.
- (6) Number of Engine.
- (7) Unladen Weight.
- (8) Seating capacity including driver.
- (9) Date on which the motor vehicle was first brought into  
Rajasthan .....
- (10) Name of the declarant .....
- (11) Permanent postal address.....
- (12) Temporary postal address in Rajasthan.

I hereby declare that the information given above in respect  
of the private motor vehicle brought by me into Rajasthan is true.  
Date..... Signature.

Token No..... has been granted by me after receiving  
Rs... being the tax due for the period from .... to.....

Taxation Officer.  
Data.....  
..... Region.

*The Rajasthan Motor Vehicles Taxation Rules, 1951.*

FORM M.T.K.

[See rule 25 (ii).]

Refund Voucher Counterfoil.

No.....  
Name of owner.....  
.....  
Number of motor vehicle...  
Tax paid Rs.....  
on .....  
Period for which the tax paid.  
  
From..... To.....  
Refund granted Rs.....  
Period for which and the rate at which  
refund is granted under rule 24.....  
.....

Taxation Officer,  
Date..... Region.

*The Rajasthan Motor Vehicles Taxation Rules, 1951.*

FORM M.T.K.

[See rule 25 (ii).]

Refund Voucher.

(Payable within 15 days from the date of issue)

No.....  
To.....  
  
The Treasury Officer,.....  
I..... Taxation Officer, hereby  
certify that Shri.....  
is entitled to a refund of Rs..... out of the  
amount paid by him on..... as motor vehicle  
tax in respect of motor vehicle No..... for the  
period from..... to.....  
A note of refund has been made on the original  
document under my dated initials.  
Please pay to Shri .....  
Rupees.....  
(in words).....  
on account of the above refund.

Taxation Officer,  
Date..... Region.

## *Notifications under*

### **RAJASTHAN MOTOR VEHICLES TAXATION ACT, 1951.**

*Published in Raj. Raj-patra Dated April 3, 1951 Vol.5 No. 3. part IV-B.*

Government of Rajasthan

#### **NOTIFICATION**

Jaipur, April 3, 1951.

No D/499 Home/51.—In exercise of the powers conferred by sub-section (3) of section 1, of the Rajasthan Motor Vehicles Taxation Act, 1951, the Government of Rajasthan is pleased to appoint the 3rd of April, 1951, as the date from which the said Act shall come into force.

By Order of

His Highness the Rajpramukh,  
**BHAJAN LAL CHATURVEDI**  
Home Secretary to the  
Government of Rajasthan.

*Published in Raj. Raj-patra Vol. 3 No. 31 part I Dated 5-5-51 at page 233-234*

Transport Section

Press Communique.

Jaipur, May 2, 1951.

The Indian Motor Vehicles Act, 1939, has been applied to Rajasthan by the Parliament and came into force from 1-4-51, thereby repealing the Rajasthan Motor Vehicles Act (Adaptation) Ordinance. The Rajasthan Motor Vehicles Rules, 1951, which were issued under the old Act, however, continue in force. A separate Act, known as Rajasthan Motor Vehicles Taxation Act, dealing with the taxation has been promulgated and came into force from 3-4-51. Necessary Rules under the Act have also been published.

2. Under these Acts and Rules, Statutory Bodies have been constituted for the control of the Transport Vehicles. There is a State Transport Authority for the whole of Rajasthan and three Regional Transport Authorities—one each for Jaipur, Jodhpur, (including Bikaner) and Udaipur (including Kotah) Regions. All applications for the grant of permits under the Motor Vehicles Act should be made to the Secretary of these authorities as the case may be. The State Transport Authority shall be the appellate authority from the decision of the Regional Transport Authorities and an appeal against the orders of the State Transport Authority shall lie to the Government.

3. The licensing authority for driving and conductors' licences shall be the District Superintendent of Police of the district concerned and an appeal against his order shall lie to the Regional Transport Authority of the region concerned. The Registering Authority for Motor Vehicles shall be the District Magistrate for his district. The new Registration Mark to be put on all vehicles throughout Rajasthan will now be R J followed by a letter allotted to each district in alphabetical order and a number allotted by the Registering Authority. The Registration Mark on private transport and other vehicles belonging to dealer etc. shall be in different colours as specified in the rules. The certificate of fitness will be granted by the Registering Authority or the Inspector of Motor Vehicles.

4. All vehicles except Government vehicles are to be insured against third party risk. Taxes at uniform rates have now been prescribed for all State and contract carriage on the basis of seats and in case of public and private carrier on their laden weight and according to the extent the route or region in which they intend to operate. Owners of private vehicles would also be liable to tax. Vehicles regis-

tered in other States will also be liable to tax in Rajasthan provided they are used in Rajasthan for a period exceeding 30 days. The tax will be realised from the date the car is first brought into Rajasthan.

In cases where taxes have been paid in advance at the old rate for a period subsequent to 1st April, 1951, the difference between the taxes at old rates and the new rates will have to be paid to make up the full tax now due.

5. The maximum rates of passengers fares are:—

(i) 8 pies per seat per mile for A class Route.

(ii) 11 pies per seat per mile for B Class Route.

(iii) 14 pies per seat per mile for C Class Route.

while freight rates are 3 pies, 3½ pies, and 5 pies per maund per mile for A, B, and C Class Routes respectively.

*Published in Raj. Raj-patra Dated May 16, 1953 part I at page 121:*

Home Department.

NOTIFICATION

Jaipur, May 8, 1953,

No. F. 10 (6) (162) Home-II/52.—In exercise of the powers conferred by section 3 of the Rajasthan Motor Vehicles Taxation Act, 1951, the Government of Rajasthan have been pleased to exempt car No. R. J. Q. 1560 belonging to Rajkumar Sobhag Singhji, Jodhpur, from the payment of seat tax, and have also been pleased to exempt the said car from the payment of registration fee in exercise of the powers conferred by Rule 61 (a) of the Rajasthan Motor Vehicles Rules, 1951. These exemptions will continue till the time of attainment of majority by Rajkumar Sobhag Singhji.

This Department Notification No. F. 10 (6) (162) Home II/52, dated the 19th March, 1953 is hereby cancelled.

By Order,

BHAJANLAL CHATURVEDI,

Secretary to the Government.

*Published in Raj. Raj-patra Dated April 23, 1955 part I (b) at page 67.*

[English translation of Home Department (II) Notification No. F. 10 (2) -1/Home. II/55 dated 4th April, 1955, authorised by His Highness the Rajpramukh].

In exercise of the powers conferred by section 3 of the Rajasthan Motor Vehicles Taxation Act, 1951 (Rajasthan Act XI of 1951) the Government of Rajasthan is hereby pleased to exempt, from the tax imposed by that Act, all tractors and combinations of tractor and trailers, used for the transportation of agricultural produce from the farm to the market/factory or of manure, seeds, fuel for the vehicle and Motor Vehicle parts from the market to the farm. subject to the conditions that such transportation is not for hire or reward and that the vehicle is not used as a public carrier.

By order of

His Highness the Rajpramukh,

S. D. UJWAL,

Secretary to the Government.

*Published in Rajasthan Raj-patra Dated January 14, 1956 part I (b) at page 912*

English Translation

[Authorised by His Highness the Rajpramukh.]

Jaipur, January 4, 1956.

No. D. 9119/F. 10 (2) 5/H2/55.—In exercise of the powers conferred by section 3 of the Rajasthan Motor Vehicles Taxation Act, 1951, (Rajasthan Act XI of 1951) the Government of Rajasthan hereby exempts Bus No. MYA 1572 of the Government of Mysore, Road, Transport Department on tour to study modernised organisations of transportation in India, from the payment of the

tax imposed under the aforesaid Act. This exemption shall be valid for the period from the 1st day of January, 1956 to 31st day of January 1956 both days inclusive).

By Order of  
S. D. UJWAL,

Secretary to the Government.

*Published in Raj. Raj-patra Dated February 25, 1956 part I (b) at page 1156.*

English Translation

[*Authorised by His Highness the Rajpramukh*]

Jaipur, February 7, 1956.

No. D. 9240/F. 10 (2)-4/H. 2/55.—In exercise of the powers conferred by section 3 of the Rajasthan Motor Vehicles Taxation Act, 1951 (Rajasthan Act XI of 1951), the Government of Rajasthan hereby exempts Red Cross Van No. R Q.J. 703 belonging to the Indian Red Cross Society, Jodhpur from the payment of the tax imposed by the said Act so long as the Van is used for purposes of Ambulance and medical relief in rural areas.

By Order of

His Highness the Rajpramukh,  
D. P. SHARMA,

Deputy Secretary to the Government.

*Published in Rajasthan Raj-patra Dated May 5, 1956 part I (b) at page 172*

English Translation

[*Authorised by His Highness the Rajpramukh*].

#### NOTIFICATION

Jaipur, April 14, 1956.

No. D. 8108/F. 10 (2)-2 Home. 2/55.—In exercise of the powers conferred by section 3 of the Rajasthan Motor Vehicles Taxation Act, 1951, the Government of Rajasthan hereby exempts from payment of tax Payable under the said Act every motor vehicle (other than a transport vehicle) registered and normally kept in any other State in India and for which tax has already been paid in that other State in respect of the period of its stay in Rajasthan.

By Order of

His Highness the Rajpramukh,  
S. D. UJWAL,

Secretary to the Government.

*Published in Raj. Raj-patra Dated 31, January 1957 part I (b) at page 761.*

Jaipur, January 21, 1957.

No. F. 10 (2)-Home B/55.—In exercise of the Powers conferred by section 3 of the Rajasthan Motor Vehicles Taxation Act, 1951 (Rajasthan XI of 1951) in force in the Pre-Reorganisation State of Rajasthan, the Government of Rajasthan hereby exempts, all vehicles belonging to Railways other than those used for commercial purposes, in Rajasthan from the payment of tax under the said Act. This exemption shall have effect as from the date on which the said Act came into force.

By Order of the Governor,  
D. P. SHARMA,

Secretary to the Government.

*Published in Raj. Raj-patra Dated May 23, 1957 part IV (c) at page 70*  
Jaipur, April 22, 1957.

No. D. 3421/F. 10 (10)-21/H 2/54.—In exercise of the powers conferred by section 3 of the Rajasthan Motor Vehicles Taxation Act, 1951 (Rajasthan Act No. XI of 1951), the Government of Rajasthan hereby exempts all Motor Vehicles registered outside Rajasthan and chartered by tourists from payment of tax leviable under the said Act for the period in respect of which a tax has been paid in the Registering State provided that similar exemption is available in the latter State to the similar Motor Vehicles registered in Rajasthan.

*Published in Raj. Raj-patra Dated October 10, 1957 part IV (c) at page 526*  
Home (B) Department  
NOTIFICATION.

Jaipur, September 25, 1957.

No. F. 10 (2) H. 2/55.—In exercise of the powers conferred by section 3 of the Rajasthan Motor Vehicles Taxation Act, 1951 (Rajasthan Act XI of 1951) the State Government hereby amends the notification of the Government of the pre-reorganisation State of Rajasthan in the Home Department No. D. 8108/F. 10 (2) (2) Home 2/55, dated the 20th April, 1956 relating to exemption from taxation in respect of certain motor vehicles kept outside the State as follows, namely:—

In the said notification, the fullstop shall be replaced by a comma and the following proviso and note shall be added at the end namely:—

“Provided vehicles registered and normally kept in Rajasthan are for the time being entitled to a similar exemption in that other State”.

NOTE.—This notification does not apply to private motor vehicles mentioned in the note in Schedule I to the said Act, which will continue to be unconditionally exempt from payment of tax if brought temporarily into use are kept for use in Rajasthan for a period not exceeding thirty days.

By Order of the Governor,  
SAMPATMAL BHANDARI,  
Secretary to the Government.

*Published in Raj. Raj-patra Dated May 22, 1958 part IV (c) at page 360*  
English Translation Home Department (B)

NOTIFICATION.

Jaipur, March 26, 1958.

No. D. 1791/F. 10 (2) (10) Home. 2/54.—In exercise of the powers conferred by section 3 of the Rajasthan Motor Vehicles Taxation Act, 1951 (Act No. XI of 1951) and by rule 61 (a) of the Rajasthan Motor Vehicles Rules, 1951, the Government of Rajasthan is pleased to exempt the vehicle No. BJY 1156 belonging to the Technical Co-operation Mission of U. S. A. from payment of vehicle tax and registration fee.

By Order of the Governor.  
C. S. GUPTA,  
Secretary to the Government.

*Notifications under*

**RAJASTHAN MOTOR VEHICLES TAXATION ACT, 1951.**

*Published in Raj. Raj-patra part I (b) dated January 21, 1960 at pages 465*

Home (B) Department

**NOTIFICATION**

Jaipur, December 17, 1959.

No. D 7439/P. 16 (1)/HB/56.—In exercise of the powers conferred by sub-section (1) of section 3 of the Rajasthan Motor Vehicles Taxation Act, 1951 (Act No. XI of 1951) the State Government hereby exempts the Vehicle No. RJY 671 belonging to Shri Eklingji Maharaj from payment of vehicles tax.

By Order of the Governor,

Z. S. JHALA,

Secretary to the Government.

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*Rules and Notifications under*

**MUNICIPALTIES ACT, 1959. THE RAJASTHAN**  
**( No. 38 OF 1959 ).**

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# Lapse of Deposits or Securities and their Repayment by Municipalities Rules, 1960.

Local Self Government Department.

## NOTIFICATION

Jaipur, March 23, 1960.

No. D 2269/F. 8 (9) LSG/60:—In exercise of the powers conferred by Section 297 of the Rajasthan Municipalities Act, 1959, (Act No. 38 of 1959) the State Government hereby makes the following Rules namely:—

### 1. *Short title, extent & Commencement:—*

- ( i ) These rules may be called Lapse of Deposits or Securities and their Repayment by Municipalities Rules, 1960.
- ( ii ) They shall extend to whole of Rajasthan.
- (iii) They shall come into force from the date of their publication in the official Gazette—

### *Notes*

Section 297 of the Rajasthan Municipalities Act, 1959 invests the State Government with the general rule making power for putting into effect the requirements of the Act.

### 2. *Lapse of Securities or Deposits:—*

Deposits or Securities deposited under the provisions of any other rules or bye-laws of the Board/Council which are unclaimed for more than three complete account year after they become due shall lapse and shall be credited at the close of March, in each year in the Municipal fund under the head "Miscellaneous" by means of transfer entries.

### 3. *Repayment of deposits.*

Deposits lapsed to the Municipal Fund under Rule 2 shall not be repaid unless the Board/Council is satisfied that the item was really received, was carried to credit as lapsed and is now claimed by the persons who might have drawn it at any time before the lapse. The amount of a lapsed deposit refunded will, however, be charged in the Cash Book as a refund and not debited to deposits. But the repayment of deposit should be recorded in the Register of Deposits in order to ensure that a lapsed deposits is not paid twice

### 4. *Procedure for repayment of Lapsed deposits.*

There must be a separate application for deposits repayable to each person and it will be used as the voucher on which the payment is to be made.

By order of the Governor.  
Keshavpuri,  
Deputy Secretary to Government.

# Rajasthan Municipalities (Interpellation of Chairman and President) Rules, 1959.

Local Self-Government Department  
NOTIFICATION

Jaipur, October 20, 1959.

No. F. 4 (34) LSG/59.—In exercise of the powers conferred by section 297 read with sub-section (2) of section 71 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following Rules, namely:—

1. *Short title.*—These Rules may be called the Rajasthan Municipalities (Interpellation of Chairman and President) Rules, 1959.

## Notes

Section 297 of the Rajasthan Municipalities Act, 1959 authorises the State Government to make rules for putting into effect the requirements of the Act.

Section 71 of the Act, reading as under, contains provisions for the rights and privileges of individual members of the municipal authorities:—(1) Any member may call the attention of the proper authority to any neglect in the execution of a municipal work, to any waste of municipal property or to the wants of any locality, and may suggest any improvement which he considers desirable.

(2) Every member shall have the right to interpellate the chairman and to move resolutions on matters connected with the municipal administration, subject to the rules prescribed.

(3) Every member shall have the right to inspect records of the board at the municipal office after giving due notice to the chairman; provided that the chairman may for reasons given in writing forbid such inspection.

The present rules prescribe the matters as required under section 71 of the Act.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(1) 'Act' means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);

(2) 'Chairman' means the Chairman of a Municipal Board and includes the Vice-Chairman or member, who presides at the meeting of the Municipal Board;

(3) 'Councillor' means, any person who is lawfully a member of the Municipal Council;

(4) 'Member' means any person who is lawfully a member of a Municipal Board;

(5) 'President' means the President of a Municipal Council, and includes the Vice-President or the Councillor or who presides at the meeting of the Municipal Council.

3. *No question to be asked which is not connected with Municipal Administration.*—No question shall be asked or answered at a meeting of the Municipal Board/Municipal Council to any matters

not connected with the Municipal Administration, and no question shall be asked except as to matters of fact and the answer shall be confined to a statement of facts. Except as thus provided, any question may be asked by any member/Councillor subject to the following conditions and restrictions.

4. *Notice of the question to be asked.*—A member/Councillor who wishes to ask a question shall give at least seven clear days' notice in writing to the Chairman/President submitting in full the question which he wishes to ask:

Provided that the Chairman President may, if he thinks fit, allow a question to be asked with shorter notice than seven days.

5. *Conditions for admissibility of a question.*—In order that a question may be admissible, it must satisfy the following conditions, namely:—

(1) it must not publish any name or statement not strictly necessary to make the question intelligible;

(2) if a question contains a statement, the member/Councillor asking it must make himself responsible for the accuracy of the statement;

(3) it must not contain arguments, inferences, ironical expressions or defamatory statements;

(4) it must not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;

(5) it must not be asked as to the character or conduct of any person except in his official or public capacity; and

(6) it must not be of excessive length.

6. *Chairman/President to decide on the admissibility of a question.*—The Chairman/President shall decide on the admissibility of a question and either allow or disallow it before the date fixed for the next meeting for which it is in time under rule 4. He may disallow any question when, in his opinion it is an abuse of the right of questioning or, where in his opinion, it cannot be answered consistently with the public interest, and shall disallow any question which in his opinion contravenes the rules; and in such case the question shall not be entered in the agenda of the Municipal Board/Municipal Council.

7. *Chairman/President to answer the question.*—Questions allowed by the Chairman/President shall be entered in the agenda-paper for the day, and the Chairman/President shall answer every question so entered if not previously withdrawn by the member/Councillor putting it, in the order in which it stands in the paper, before any other business is entered upon at the meeting:

Provided that the Chairman/President may, at his discretion, on the ground of public interest, answer a question on the agenda-paper even though the question may have been withdrawn.

8. *Supplementary Questions.*—Any member/Councillor may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the Chairman/President shall disallow any supplementary question, if, in his opinion, it infringes the rules to the subject-matter of question:

Provided further that he may decline to answer a supplementary question without notice in which case, it may be put in the form of a fresh question at a subsequent meeting of the Municipal Board/Municipal Council.

9. *No discussion permissible on any question or answer given.*—No discussion shall be permitted in respect of any question or of any answer given to a question asked under these rules.

10. *Question asked and answer given to be entered in proceedings.*—The question asked and the answer given to it shall be entered in the proceedings of the Municipal Board/Municipal Council.

By Order of the Governor,

R. K. CHATURVEDI,

Secretary to the Government.

# Rajasthan Municipalities (Appointment of Members/Councillors by Co-option) Order, 1959.

Local Self-Government Department

## NOTIFICATION

Jaipur, October 20, 1959.

No. F.(4)(34)LSG/A/59-II.—In exercise of the powers conferred by sub-section (1) of section 297 read with sub-section (5) of section 9 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following Order, namely:—

### PRELIMINARY

1. *Short title and commencement.*—This order may be called the Rajasthan Municipalities (Appointment of Members/Councillors by co-option) Order, 1959, and shall come into force from the date of its publication in the official Gazette.

#### Notes.

Section 9 of the Act prescribes the manner in which a municipal board shall be composed and constituted. Besides having elected members from general as well as reserved seats, a board shall consist of appointed members as required under sub-section (5) of section 9 of the Act which reads as under:—

(5) To every board there shall be appointed by co-option in the manner provided for by order published in the official Gazette,—

- (i) two persons belonging to the female sex if no such person has been returned to the board by election referred to in sub-section (4), or
- (ii) one person belonging to the female sex if only one such person has been returned to the board by such election, and such co-opted person or persons being treated for all purposes of this Act as elected member or members of the board, and the number of seats fixed for that board under sub-section (1) being deemed to be increased accordingly.

The present order has been made on the authority of and for the purposes of sub section (5) of section 9 of the Act.

2. *Definitions.*—In this order, unless the context otherwise requires:—

- (1) ‘Act’ means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);
- (2) ‘Clear days’ include Sundays and other holidays but does not include the date of receipt of a notice by a person to whom such notice is addressed or the date specified in it;
- (3) ‘Councillor’ means any person who is lawfully a member of a Municipal Council;
- (4) ‘Member’ means any person who is lawfully a member of a Municipal Board;
- (5) ‘Returning Officer’ means the Collector or his nominee.

## PART I.

3. *Notice for meeting for co-option.*—(1) Soon after the election of members of a Municipal Board, Returning Officer shall convene at the office of the Municipal Board at the appointed time a meeting of members after giving them a notice in writing of not less than seven clear days for the co-option of members specified in sub-section (5) of section 9.

(2) The notice referred to in sub-para (1) shall state:—

(a) The number of persons to be co-opted, namely—

(i) Two persons belonging to the female sex if no such person has been returned to the Municipal Board by election;

(ii) the person belonging to the female sex if only one such person has been returned to the Municipal Board by election;

(b) the place and date on which and the hours between which the nomination papers shall be filed;

(c) the place and date on which and the hours between which the nomination papers will be taken up for scrutiny; and

(d) the place and date on which and the hours between which, the votes of the members will be taken should there be a poll.

(3) Such notice shall be sent by post or by such other mode as the Returning Officer may consider expedient to every member at his ordinary place of residence.

(4) Such notice shall be published by affixing it on the notice board of the Municipal Board at its Office.

4. *Returning Officer to preside over meetings for co-option.*—The meeting for co-option of members shall be presided over by the Returning Officer.

5. *Filing of Nomination Papers.*—(1) The nomination of every candidate shall be made by means of a nomination paper in the form prescribed in Schedule I.

(2) Every nomination paper shall be signed by two members as proposer and seconder and the candidate shall sign a declaration on it expressing his willingness to stand for co-option.

(3) Each candidate shall be nominated by a separate nomination paper.

(4) Every nomination paper shall be presented by the candidate or his proposer or seconder on the date, at the place and during the hours specified in the notice for filing nomination papers.

(5) Immediately after the time for receipt of nomination papers is over, the Returning Officer shall cause to be published a list, in the form, prescribed in Schedule II, containing the names of the candidates whose nominations have been received under the

preceding sub-para by affixing it on the notice Board of the Municipal Board at its office.

6 *Scrutiny of nomination papers.*—(1) On the date appointed for the scrutiny of nominations, the candidate, his proposer and seconder may attend at such place and time as is specified in the notice for the scrutiny of nomination papers and the Returning Officer shall give such persons all reasonable facilities to examine the nomination papers of all the candidates which have been received as aforesaid.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination and may, either on such objection, or on his own motion, and after such summary enquiry, if any, as he may deem necessary, reject any nomination on any one or more of the following grounds:—

(a) that the candidate suffers from any of the general disqualifications mentioned in section 26 of the Act;

#### Notes

The General disqualifications mentioned in section 26 of the Act are as under:—

A person, notwithstanding that he is otherwise qualified, shall be disqualified for being chosen as, and for being, a member of a board—

(i) Who has been sentenced by a criminal court to imprisonment for a term exceeding six months for an offence which is declared by the State Government to imply such moral turpitude as to render him unfit to be a member, such sentence not having been subsequently reversed or remitted, or the offender pardoned, or

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), in proceedings instituted under section 110 of the Code, such order not having been subsequently reversed, or

(iii) who has been dismissed from the service of the Central or a State Government or any local authority for misconduct, or

(iv) who having been a legal practitioner has been debarred from practising as such by order of any competent authority, or

(v) who holds any place of profit in the gift or disposal of the board, or

(vi) who is disqualified under section 59 or Section 64, or

(vii) who is disqualified under section 146 of the Representation of the People Act, 1950 (Central Act XLIII of 1950), or

(viii) who holds a salaried or part-time appointment under the Central or a State Government or a local authority, or

(ix) who is an undischarged insolvent, or

(x) who is suffering from leprosy, or

(xi) who has been adjudged by a competent court to be of unsound mind, or

(xii) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, employer or employee, any share or interest in any work done by order of such board, or in any contract or employment which or under or by or on behalf of such board, or

(xiii) who is employed as a paid legal practitioner on behalf of such board or accepts employment as legal practitioner against such board during the term for which he has been elected, or

(xiv) who is in arrears in the payment of any tax or other dues in excess of one year's demand:

Provided that.....

- (a) the disqualification mentioned in clause (i) shall cease to operate after the expiry of three years from the date of the release of the disqualified person from imprisonment;
- (b) the disqualification mentioned in clause (ii) shall cease to operate after the expiry of the period for which a person is ordered to furnish security;
- (c) the disqualification mentioned in clause (vi) shall cease to operate after the expiry of the period for which a person is so disqualified unless such disqualification is removed earlier by an order of the State Government.
- (d) a person shall not be deemed to have incurred the disqualification under clause (xii) by reason of his...
  - (i) having any share or interest in any joint stock company, otherwise than as a managing director or agent which shall contract with, or be employed by or on behalf of the board, or
  - (ii) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or
  - (iii) having a share or interest in any newspapers in which any advertisement relating to the affairs of the board may be inserted, or
  - (iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the board, or
  - (v) having a share or interest in the occasional sale of any article in which he regularly trades to the board to a value not exceeding in any official year such amount as the board, with the sanction of the State Government, may fix in this behalf, or
  - (vi) having a share or interest in the occasional letting out on hire to the board, or in the hiring from the board of any article for an amount not exceeding in any official year fifty rupees or such higher amount not exceeding two hundred rupees as the board, with the sanction of the State Government, may fix in this behalf.
- (e) the disqualification mentioned in clause (xiv) shall cease as soon as the arrears are paid:

(b) that the candidate has been removed from the membership of the Municipal Board under section 63 of the Act;

(c) that the proposer or seconder is a person who is not a member;

(d) that any of the provisions of (sub-para (2) of Para 5) not been complied with:

Provided that the nomination of a candidate shall not be rejected merely on the ground of incorrect description of her name or of the name of her proposer or seconder, or of any other particulars relating to the candidate or her proposer or seconder if the identity of the candidate proposer seconder as the case may be, can otherwise be established beyond reasonable doubt.

#### Notes

Words, "Sub-para (2) of Para 5" appearing in brackets have been substituted for the words, "Sub-rule (2) of rule 4" vide corrigendum Notification No. F. 4 (34) LSG/A/59, dated 25/11/59/, published in RajasthanRajPatra part VI (A), dated 24/12/59.

(3) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected. shall record in writing, a brief statement of reasons for such rejection.

7. *Publication of the list of nominated candidates.*—The Returning Officer shall at least one day before the date of meeting for co-optation cause to be published a list containing the names of the validly nominated candidates in the form prescribed in Schedule III by affixing it on the Notice Board of the Municipal Board at its office.

8. *Withdrawal of candidature*—(1) A candidate may withdraw her candidature any time before the commencement of the poll by giving a notice in writing to that effect to the Returning Officer.

(2) A candidate who has withdrawn her candidature shall not be allowed to cancel such withdrawal.

9. *Procedure after publication of the list of validly nominated candidates*—(1) If the number of candidates is equal to the number of vacancies, the Returning Officer shall declare all such candidates duly appointed as co-opted members.

(2) If the number of such candidates is less than the number of vacancies, the Returning Officer shall declare all such candidates duly appointed as co-opted members and shall adjourn the meeting to another date.

(3) If the number of candidates exceeds the number of persons to be co-opted, an election shall be held by secret ballot and votes of the members present at the meeting shall be taken.

10. *Procedure for adjournment of meeting for co-optation for want of quorum etc.*—(1) If for want of necessary quorum or for any other sufficient reason, the members fail to co-opt the persons specified in sub section (5) of section 9, the Returning Officer shall adjourn the same to another date.

(2) One-half of the total number of members elected shall from the quorum of a meeting for co-optation.

(3) A notice of the date fixed for the adjourned meeting shall be affixed on the Notice Board of the Municipal Board at its office and shall be despatched by post individually to the members.

11. *Voting and result of election.*—(1) The Returning Officer shall cause such arrangements to be made as will ensure the secrecy of the ballot.

(2) Every member wishing to vote shall be supplied with a ballot paper on which names of duly nominated candidates who have not withdrawn their candidature, shall be printed, typed, cyclostyled or legibly written in Hindi in the alphabetical order of their names in the form prescribed in Schedule IV.

(3) The voter shall place a cross mark (X) in column 3 of the ballot paper duly authenticated by seal and signatures of the Returning Officer against the name of the candidate or the names of the candidates, as the case may be, for whom he wishes to vote [with a soft lead pencil].

(4) He shall then fold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Returning Officer.

(5) If the Voter is illiterate or is unable to place a cross mark on the ballot paper owing to blindness or other physical infirmity, the Returning Officer shall record the vote in the ballot paper in accordance with the wishes of the voter and fold it up so as to conceal the vote and the voter shall then himself or with the assistance of the Returning Officer insert the ballot paper into the ballot box.

(6) The ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked.

(7) Every person wishing to record his vote shall do so in person and not by proxy.

(8) The Returning Officer shall, after the voting is over, open the ballot-box and count the votes, in the presence of such members as may be present and declare the result in the following manner:-

(a) The candidate who is found to have obtained the largest number of valid votes, or if more than one is to be co-opted, the candidates up to the number of persons to be co-opted, who are found to have obtained the largest number of valid votes shall be declared to have been co-opted.

(b) In the event of there being an equality of votes between two candidates, the Returning Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly co-opted.

~~12. Validity of ballot papers.~~—Any Ballot paper which bears any mark or ~~any~~ signature of any voter by which the voter can be identified or in which the mark (X) is placed against more than the number of vacancies or in an ambiguous manner or which does not bear the official seal and signatures of Returning Officer shall be invalid.

13. *Preparation of record of proceedings and publication of result of election* [Immediately after the meeting for co-option, the Returning Officer shall].—(a) Prepare a record of the proceedings at the meeting and sign it, attesting with his initials every correction made therein, and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so;

(b) Publish on the Notice Board of the Municipal Board at its office a notification signed by him, stating the names of the persons co-opted as members and send a copy of such notification to the Collector, Director of Local Bodies, Rajasthan, Jaipur and the State Government.

14. *Packing and preservation of election record.*—(1) The Returning Officer shall then make up into packets the ballot papers and other papers relating to the elections, seal up the packet and

note thereon a description of the contents, the election to which it relates and the date therefor.

(2) The packets shall be retained in safe custody in the office of the Collector concerned for a period of three years and shall then, unless otherwise directed by a competent court, be destroyed.

15. *Filling up of vacancies of co-opted members.*—Any vacancy occurring in the office of a co-opted member before the expiration of his term shall be filled by co-option of another person in the manner provided in the foregoing rules and the person so co-opted shall hold office for the residue of the term of his predecessor;

## PART II

## Co option of Councillors of a Municipal Council

16. *Co-option of Councillors of a Municipal Council.*—(1) Returning Officer shall conduct the election for co-option of Councillors of a Municipal Council in the manner provided for in paras 3 to 15 of Part I, subject to the following variations, namely:—

The references therein to 'Municipal Board' 'Member' and 'Members' where or they occur, shall be construed to be references to 'Municipal Council' 'Councillor' and 'Councillors' respectively.

## SCHEDULE I

Sub-para (1) of para 5 of the Rajasthan Municipalities (Appointment of Members/Council/or by co-optation Order, 1959).

Nomination form for Appointment of co-opted Member of  
Municipal Board/Municipal Council.

1. Name of the Municipal Board/Council.
2. Full name of the Candidate.
3. Father's or Husband's name.
4. Age.
5. Sex.
6. Address.

7. Full name and address of the proposer.  
8. Full name and address of the seconder.  
1. Signature of the proposer. 2. Signature of the seconder,

Date \_\_\_\_\_  
Place \_\_\_\_\_

Date.  
Place.

Candidate's declaration.

I, the above named candidate, give my consent to this nomination and hereby declare that I do not hold any of the disqualifications enumerated in section 26 of the Rajasthan Municipalities Act, 1959, and that I am qualified to be a candidate for co-option to the Municipal Board/Council.

Date \_\_\_\_\_  
Place \_\_\_\_\_

Signature of the Candidate.

## Endorsement by the Returning Officer.

Serial Number.

This nomination paper was presented to me by.....

.....(Name) at ..... (date and hour).

Date

Place

Signature of the Returning Officer,

Order of The Returning Officer.

Accepted/Rejected.

Reasons for rejection.

Date

Place

Signature of Returning Officer.

Received nomination paper of.... for .....as a  
co-opted member of..... Municipal Board/Council proposed  
and seconded by (1).....and (2) .....respectively  
which was presented to me at .....(place) at.....  
this.....day of.....19 . by Shri .....  
Signature of the Returning Officer.

## SCHEDULE II

Sub-para (5) of para 5 of the Rajasthan Municipalities (Appoint-  
ment of Members/Councillors by co-option) Order, 1959.

List of candidates proposed for appointment as co-opted mem-  
bers of Municipal Board/Council.

S. No.	Name and description of candidates.	Address.	Remarks.
--------	-------------------------------------	----------	----------

1.

2.

3.

4.

5.

Place

Date

Signature of Returning Officer.

## SCHEDULE III

Para 7 of the Rajasthan Municipalities (Appointment of  
Members/Councillors by co-option) Order, 1959.

List of candidates validly nominated for appointment as  
co-opted members of a Municipal Board/Council.

S. No.	Name and description of candidate.	Address.	Remarks, if any.
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1.

2.

3.

4.

5.

Place

Date

Signature of Returning Officer.

SCHEDULE IV

Sub-para (2) of para 11 of the Rajasthan Municipalities  
(Appointment of Members/Councillors by co-option) Order, 1959.

Ballot Paper

————Municipal Board/Council.

Signature and Seal of the Returning Officer,

S. No.	Name of the candidate with the name of father or husband and residence.	For Mark (×) by voter.
--------	---	------------------------

- |     |  |  |
|-----|--|--|
| 1.  |  |  |
| 2.  |  |  |
| 3.  |  |  |
| 4.  |  |  |
| 5.  |  |  |
| 6.  |  |  |
| 7.  |  |  |
| 8.  |  |  |
| 9.  |  |  |
| 10. |  |  |

By Order of the Governor,  
R. K. CHATURVEDI,  
Secretary to the Government.

# Rule for the election of Chairman, Vice-Chairman, President & Vice-President & determination of Validity thereof.

Chapter II of the Rajasthan Municipalities Act, 1959 deals with the Constitution and Government of Municipalities. Section 8 of this Chapter contains provisions regarding election of Chairman and Vice-Chairman of municipal boards. Every Board shall have a Chairman and a vice-chairman and the same are required to be elected in accordance with the rules made by the State Government. Similarly every Council is to have elected President and Vice-president. Section 65 of the Act which contains provisions in this regard is reproduced below:—

65. *Every board to have a chairman and a vice-chairman.*—(1) For every board, there shall be a chairman and a vice-chairman.

(2) The chairman shall be elected, in accordance with rules made by the State Government in that behalf, by the members of the board from amongst themselves.

(3) The vice-chairman shall be elected by the members of the board from amongst themselves in accordance with rules made in this behalf.

(4) For every council there shall be a president and a vice-president.

(5) The president and the vice president shall be elected in accordance with rules made by the Government in that behalf, by the councillors of the council from amongst themselves.

(6) Every chairman or vice-chairman who, for a period exceeding one month, remains absent from the municipality so as to be unable to perform his duties as such chairman or vice-chairman shall cease to be chairman or vice-chairman unless leave so to absent himself has been granted by the board.

(7) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a chairman and the office of the vice-chairman is vacant the vacancy shall be filled up by election by the board from amongst its members within such period and in such manner as may be prescribed. When leave is granted to a vice-chairman or when the vice-chairman is acting for the chairman, the vacancy in the office of the vice-chairman may be filled up by election of some other member thereto.

(8) If the vice-chairman of a board is elected as chairman of the board, he shall be deemed to have vacated his office as vice-chairman.

(9) Every chairman and every vice-chairman of a board shall forth-with be deemed to have vacated his office, if a resolution expressing want of confidence in him is passed by the votes of a majority of the whole number of members at a special general meeting convened for the purpose.

(10) Every chairman and every vice-chairman shall be removable from his office as such chairman and vice-chairman on any of the grounds specified in clause (d) of sub section (1) of section 63, and the provisions of sub-sections (2) to (5) of that section shall apply.

(11) The term of office of every chairman and every vice-chairman shall, save as otherwise provided in this Act, correspond with the term of the board.

(12) A vice chairman may resign his office, by giving notice in writing to the chairman, and a chairman may resign by giving a like notice to such officer as may

be appointed or authorised by the State Government in this behalf. Every such resignation shall take effect on the expiry of one month from the delivery of the notice to the chairman or such officer, as the case may be.

(13) A vacancy in the office of a chairman or a vice-chairman occurring otherwise than by efflux of time shall be filled in accordance with the provisions of the foregoing sub-sections and the person elected to fill up the vacancy shall hold office for the residue of the term for which the chairman or vice-chairman in whose place he is so elected would have held if the vacancy had not occurred.

(14) The names of the chairman and vice-chairman elected in accordance with the provisions of this section shall be published, as soon as conveniently may be, in the official Gazette.

(15) The chairman of a board may receive, out of the municipal fund, such monthly allowance, not exceeding one hundred and fifty rupees in the case of a city or seventy-five rupees in any other case, as the board may from time to time sanction with the approval of the State Government.

The election of persons elected under section 65 of the Act can be called in question and validity thereof can be determined in accordance with section 66 of the Act. Section 66 reads as under:-

66. *Determination of validity of election of chairman or vice chairman.*—

(1) The election of a chairman or vice-chairman under section 65 shall not be called in question except by an election petition presented to—

- (a) the District Judge sitting at the place where the municipal office is situated, or
- (b) where there is no such District Judge, the Civil Judge so sitting, or
- (c) any other Judge specially appointed by the State Government for the purpose:

Provided that where an election petition is presented as aforesaid to a District Judge, he may, for reasons to be recorded in writing, transfer the same for hearing and disposal to a Civil Judge subordinate to him and sitting at the place where the municipal office is situated.

*Explanation:*—The District Judge or Civil Judge or any other Judge to whom an election petition is presented or transferred and by whom it is heard in accordance with the provisions of this section is hereinafter referred to as the Judge.

(2) Such petition may be presented by a candidate who has been defeated or whose nomination has been rejected in such manner, on such grounds and within such period as may be prescribed, along with a deposit of one hundred rupees.

(3) In hearing the petition, the Judge shall follow the procedure laid down in section 41 and exercise the powers specified in sections 43 and 44.

(4) Without prejudice to the generality of the provision contained in sub-section (3), the Judge may, if the petition is found to be frivolous, direct that the deposit mentioned in sub-section (2) shall be forfeited to the State Government.

The Government of Rajasthan have framed following rules for putting into effect the requirements of sections 65 and 66 of the Act.

1. Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President and Vice-President) Rules, 1959.

2. Rajasthan Municipalities (Election of temporary Chairman/President) Rules, 1959.

3. Rajasthan Municipal Board's Chairmen and Vice-Chairmen, and Municipal council's Presidents and Vice-Presidents (Election Petition) Rules, 1959.

# Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President and Vice-President) Rules, 1959.

Local Self-Government Department

## NOTIFICATION

Jaipur, October 20, 1959.

No. F. 4 (34) LSG/A/59-III.—In exercise of the powers conferred by section 297 read with sub-section (2), (3), (4) and (5) of section 65 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following Rules, namely:—

1. *Short title*.—These rules may be called the Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President and Vice-President) Rules, 1959.

## PART I

2. *Definition*—In these rules, unless the context otherwise requires—

(1) 'Act' means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);

(2) 'board' means a Municipal Board established or deemed to be established under the Act;

(3) 'candidate' means a candidate for the office of Chairman, Vice-Chairman, President or Vice-President, as the case may be;

(4) 'Chairman' means the Chairman of a board;

(5) 'Clear days' includes Sundays and other holidays but does not include the date of receipt of a notice by a person to whom such notice is addressed or the date specified in it;

(6) 'Council' means a Municipal Council established or deemed to be established under the Act in a city;

(7) 'Councillor' means any person who is lawfully a member of a council;

(8) 'meeting' means a meeting of the members in the case of a board and the meeting of councillors in the case of a council;

(9) 'member' means any person who is lawfully a member of a board;

(10) 'President' means the President of a Council;

(11) 'Returning Officer' means the Collector and includes such other Gazetted Officer as may be nominated by the Collector for the purpose of holding and conducting an election of a Chairman, Vice-Chairman, President or Vice-President as the case may be;

(12) 'Schedule' means a Schedule to these Rules;

(13) 'Vice-Chairman' means the Vice-Chairman of a Board;

(14) 'Vice-President' means the Vice-President of a council.

## PART II

3. *Meeting for election of a Chairman.*—The election of a Chairman shall be held in the office of the Board at a meeting to be convened and to be presided over by the Returning Officer.

4. *Notice of meeting* —(1) Notice of the date and hour of such meeting shall be given to the members which shall not be less than seven clear days previous to the date of the meeting;

(2) Such notice shall state—

- (a) the place and date on which and the hours between which the nomination papers shall be filed;
- (b) the place and date on which and the hours between which the nomination papers will be taken up for Scrutiny, and
- (c) the place and date on which and the hours between which the votes of the members will be taken should there be a poll;

(3) The notice shall be sent by post or by such other mode as the Returning Officer may consider expedient, to every member at his ordinary place of residence. Such notice shall be published by affixing it to the notice Board of the Board at its office.

5. *Filing of nomination papers.*—(1) The nomination of every candidate shall be made by means of a nomination paper in the form prescribed in Schedule I.

(2) Every nomination paper shall be signed by two members as proposer and seconder and the candidate shall sign a declaration on it expressing his willingness to stand for the election.

(3) Each candidate shall be nominated by a separate nomination paper.

(4) Every nomination paper shall be presented by the candidate or his proposer or seconder on the date, at the place and during the hours specified in the notice for filing nomination papers.

(5) Immediately after the time for receipt of nomination papers is over, the Returning Officer shall cause to be published a list, in the form prescribed in Schedule II, containing the names of the candidates whose nominations have been received under the Preceding Sub-Rule.

6. *Scrutiny of nomination papers.*—(1) On the date appointed of the scrutiny of nomination, the candidate, his proposer or seconder may attend at such place and time as is specified in the notice for the scrutiny of nomination papers and the Returning Officer shall give such persons all reasonable facilities to examine the nomination papers of all the candidates which have been received as aforesaid.

(2) The Returning Officer shall then examine the nomination papers and shall decide and objections which may be made at the time to any nomination and may, either on such objection, or on his own motion and, after such Summary enquiry, if any, as he may

deem necessary, reject any nomination on any one or more of the following grounds:—

- (a) that the candidate suffers from any of the general disqualification mentioned in section 26 of the Act;
- (b) that the candidate has been removed from the membership of the Board under section 63 of the Act;
- (c) that the proposer or Secunder is a person who is not a member of the Board;
- (d) that any of the provisions of sub-rule (2) of rule 5 have not been complied with:

Provided that the nomination of a candidate shall not be rejected namely on the ground of an incorrect description of his name or of the name of his proposer or Secunder, or of any other particulars relating to the candidate or his proposer or Secunder, if the identity of the candidate, proposer or Secunder, as the case may be, can otherwise be established beyond reasonable doubt.

(3) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing, a brief statement of reasons for such rejection.

7. *Publication of the list of nominated candidates.*—The Returning Officer shall at least one day before the date of meeting for election cause to be published a list containing the names of the validly nominated candidates in the form presented in Scheduled III by affixing it on the Notice Board of the Board at its office.

8. *Withdrawal of candidature.*—A candidate may withdraw his candidature any time before the commencement of the poll by giving a notice in writing to that effect, to the Returning Officer. A candidate who has withdrawn his candidature shall not be allowed to cancel such withdrawal.

9. *Procedure after publication in the list of validly nominated candidates.*—(1) If there is only duly nominated candidate, there shall be no poll and the candidate so nominated shall be declared to have been duly elected.

(2) If there are two or more of such candidates, an election shall be held by Secret ballot and votes of the members present at the meeting shall be taken.

10. *Voting and result of election.*—(1) The Returning Officer shall cause such arrangement to be made as will ensure the secrecy of the ballot.

(2) Every member wishing to vote shall be supplied with a ballot paper on which names of duly nominated candidates, who have not withdrawn their candidature, shall be printed, typed, cyclostyled or legibly written in Hindi in the alphabetical order of their names in the form prescribed in Schedule IV.

(3) The voter shall place a cross mark (x) in column (3) of the ballot paper, duly authenticated by seal and signatures of the Returning Officer, against the name of the candidates for whom he wishes to vote with a red or blue or ordinary pencil.

(4) He shall then hold up the ballot paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the Returning Officer.

(5) If the voter is illiterate or is unable to place a cross mark on the ballot paper owing to blindness or other physical infirmity, the Returning Officer shall record the vote in the ballot paper in accordance with the wishes of the voter and fold it up so as to conceal the vote and the voter shall then himself or with the assistance of the Returning Officer insert the ballot paper into the ballot box.

(6) The ballot box shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom.

(7) Every person wishing to record his vote shall do so in person and not by proxy.

(8) The Returning Officer shall after the voting is over:—

(a) open the ballot box and count the votes in the presence of such members as may be present and declare the result in the following manner:—

(i) If there are only two candidates, the one who secures the larger number of votes shall be declared to have been elected;

(ii) If there are more than two candidates, the one who obtains the lowest votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates or if two or more candidates lowest on the list have obtained in equal number of votes, the Returning Officer shall ascertain by lots in the presence of the members as to which of them shall be eliminated. The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate who secures the largest number of valid votes shall be declared to have been duly elected. In the event of there being an equality of votes at the final stage between the two remaining candidates, the Returning Officer shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

11. *Invalidity of the ballot paper.*—Any ballot paper which bears any mark, or signature of any voter by which the voter can be identified on which the mark (x) is placed against more than one name or in an ambiguous manner or which does not bear the

official seal and signatures prescribed in sub-Rule (3) of Rule 10 shall be invalid.

*12. Preparation of record of proceedings and publication of result of election.*—Immediately after the meeting for election the Returning Officer shall—

(a) prepare a record of the proceedings at the meeting and sign it, attesting with his initials every corrections made therein, and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so, and.

(b) publish on the Notice Board of the Board at its office a notification signed by him stating the name of the person elected as Chairman and send a copy of such notification (1) to the state Government for publication in the official Gazette; (2) to the Collector concerned and (3) to the Director of Local Bodies, Rajasthan, Jaipur.

*13. Packing, preservation, production and inspection of election record.*—(1) The Returning Officer shall then make up into packets the ballot papers and other papers relating to the election, seal up the packets and note thereon a description of the contents, the election to which it relates and the date therefor.

(2) The packets shall be retained in safe custody in the office the Collector concerned for a period of three years and shall then unless otherwise directed by a competent Court be destroyed.

(3) While in the custody of the Collector, the packets of the election papers shall not be opened and their contents shall not be inspected by or produced before, any person or authority except under the order of competent court.

### PART III

*14. Election of Vice-Chairman.*—As soon as may be, after the election of the Chairman, the Returning Officer shall conduct the election of a Vice-Chairman in accordance with the procedure laid down in Rules 3 to 12 subject to the following variation namely:—

The reference therein 'to' Chairman wherever it occurs shall be construed to be a reference to 'Vice-Chairman'.

### PART IV

*15. Election of President.*—The Returning Officer shall conduct the election of President in accordance with the procedure laid down subject to the following variations namely:—

(a) The references therein to 'Board' and 'Chairman' wherever they occur shall be construed to be references to 'Council' and 'President' respectively.

(b) References to 'Member' and 'members' wherever they occurs shall be construed to be references to 'Councillors' and 'Councillors' respectively.

## PART V

16. *Election of Vice-President.*—As soon as may be, after the election of the President, the Returning Officer shall conduct the election of the Vice-President in accordance with the procedure laid down in rules 3 to 12 subject to the following variations namely:—

(a) The references therein to 'Board' and 'Chairman' wherever they occur shall be construed to be as reference to 'Council' and 'Vice-President', respectively.

## SCHEDULE I.

Sub-rule (1) of Rule 5 of the Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President and Vice-President) Rules, 1959.

Nomination form for election.

as Chairman of————Municipal Board.  
as Vice-Chairman of————Municipal Board.  
as President of————Municipal Council.  
as Vice-President of————Municipal Council.

1. Full name of the Candidate.

2. Father's or Husband's name.

3. Age.

4. Sex.

5. Address.

6. Full name and address of the proposer.

7. Full name and address of the Seconder.

1. Signature of the proposer. 2. Signature of the Seconder.

Place.

Place.

Date.

Date.

*Candidate's declaration*

1. The above named candidate, give my consent to this nomination and hereby declare that I do not hold any of the disqualifications enumerated in the Rajasthan Municipalities Act, 1959 and that I am qualified to be a candidate for the seat of under the provisions of the said Act.

Place.

Date.

Signature of the Candidate.

*Endorsement by the Returning Officer*

Serial Number.

This nomination paper was presented to me by————

(name) at————(date and hour).

Place.

Date.

Signature of the Returning Officer.

*Order of the Returning Officer.*

Accepted/Rejected.

Reasons for rejection.

Place.

Date.

Signature of the Returning Officer.

Received nomination paper of Shri \_\_\_\_\_ for election as \_\_\_\_\_ of \_\_\_\_\_ Municipal Board/Municipal Council proposed and seconded by (1) \_\_\_\_\_ (2) \_\_\_\_\_ respectively which was presented to me at \_\_\_\_\_ (time) this day of \_\_\_\_\_ 19 by Shri \_\_\_\_\_.

Place.

Date.

Signature of the Returning Officer

**SCHEDULE II**

Sub-rule (5) of Rule 5 of the Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President, and Vice-President) Rules, 1959.

List of candidates proposed for nomination for election as \_\_\_\_\_ of \_\_\_\_\_ Municipal Board/Council.

S. No.	Name and description of candidate.	Address of Candidate.	Remarks.
1.			
2.			
3.			
4.			
5.			
6.			
Place.			
Date.			

Signature of the Returning Officer.

**SCHEDULE III**

Rule 7 of the Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President, and Vice-President) Rules, 1959.

List of Candidates validly nominated for election as \_\_\_\_\_ of \_\_\_\_\_ Municipal Board/Council.

S. No.	Name and description of candidate.	Address of the Candidate.	Remarks.
1.			
2.			
3.			
4.			
5.			
6.			
Place.			
Date.			

Signature of the Returning Officer.

# SCHEDULE IV

Sub-rule (2) of rule 10 of the Rajasthan Municipalities (Election of Chairman, Vice-Chairman, President, and Vice-President) Rules, 1959.

Ballot paper.  
Municipal Board/Council\_\_\_\_\_  
Signature. Seal of the Returning officer.

S. No.	Name of the candidate with the name of father or husband and residence.	For mark (X) by voter.
1	2	3
1.		
2.		
3.		
4.		
5.		
6.		

By Order of the Governor,  
R. K. CHATURVEDI,  
Secretary to the Government,

# Rajasthan Municipalities (Election of temporary Chairmen/President) Rules, 1959.

Local Self-Government Department

## NOTIFICATION

Jaipur, November 4, 1959.

No. F. 4 (34)LSG/A/59.—In exercise of the powers conferred by sub-section (1) of section 297 read with sub-section (7) of section 65 of the Rajasthan Municipalities Act, 1959, (Act No. 38 of 1959) the State Government hereby makes the following rules, namely:—

1. *Short Title.*—These rules may be called the Rajasthan Municipalities (Election of temporary Chairman/President) Rules, 1959.

### PART I.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(1) "Act" means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);

(2) "Commissioner" means the Commissioner of a Municipal Council;

(3) "Councillor" means any person who is lawfully a member of a Municipal Council;

(4) "Executive Officer" means the Executive Officer of a Municipal Board;

(5) "Member" means any person who is lawfully a member of a Municipal Board constituted under the Act;

(6) "Secretary" means the Secretary of a Municipal Board or a Municipal Council as the case may be.

### PART II.

3. *The Executive Officer/Secretary to convene a meeting for election of temporary Chairman.*—A meeting of the members of the Municipal Board for the election of a temporary Chairman shall be convened by the Executive Officer or the Secretary, as the case may be, at the office of the Municipal Board, whenever leave is granted to a Chairman and the Office of Vice-Chairman is also vacant.

4. *Election of Presiding Member.*—One of the member present and not standing as a candidate for the Office of a temporary Chairman shall be elected by the members to preside over and conduct the election and the member so elected shall hereinafter be referred to as the "Presiding member".

5. *Proposing and seconding of a candidate.*—A candidate for the office of temporary Chairman shall be proposed by one member and seconded by another at the meeting.

6. *Consent of the candidate necessary.*—(1) The candidate so proposed, if present at the meeting, shall inform the presiding member whether he is willing to stand for such election or not.

(2) If any such candidate is not present at the meeting, his proposer or seconder shall produce a letter of consent in the handwriting of the candidate and deliver it to the presiding member.

7. *Reading out the names of the Proposed candidates.*—The names of all the candidates proposed and seconded and who have expressed their willingness to stand for election, shall be paid be read out by the presiding member at the meeting.

8. *Rejection of candidature on certain grounds.*—The presiding member may, on his own motion, or on any objection made against the candidature of any candidate by any member, and, after such summary enquiry, if any, as he may deem necessary, reject such candidature on any one or more of the following grounds, namely:—

(a) that the proposer or seconder is a person who is not a member of the Municipal Board;

(b) that the candidate suffers from any of the disqualifications mentioned in section 26 of the Act;

(c) that the candidate has been removed from the membership of the Municipal Board under section 63 of the Act.

9. *Mode of voting and result of election.*—(1) If there is only one duly proposed candidate, there shall be no election and such candidate shall be declared to have been duly elected.

(2) If there are two or more such candidates, an election shall be held by show of hands and the votes of the members present at the meeting taken.

(3) The candidate who secures the largest number of votes shall be declared to have been elected.

(4) In the event of there being an equality of votes between two candidates who get the highest number of votes, the presiding member shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

10. *Withdrawal of candidature.*—A candidate may withdraw at any stage before the declaration of the final result of the election.

11. *Preparation of record of proceedings and Publication of result of election.*—Immediately after the meeting the Presiding member shall—

(a) prepare a record of the proceedings at the meeting and sign it, attesting with his initials every correction made therein, and also permit any member present at the meeting to affix his signature to such record, if he expresses his desire to do so; and

(b) publish on the notice board of the Municipal Board at its office a notification signed by him stating the name of the temporary Chairman elected and send a copy of such notification to the Government, Collector and Director of Local Bodies, Rajasthan, Jaipur.

### PART III.

12. *Election of temporary President of a Municipal Council.*—  
The provisions of rules 3 to 11 of Part II shall apply to the election of a temporary President of a Municipal Council subject to the following variations namely:—

(1) The references therein to the Municipal Board, 'member' and 'members' wherever they occur shall be construed as references to 'Municipal Council', 'Councillor' and 'Councillors' respectively.

(2) The reference in Rules 3 to the words, "Executive Officer or Secretary as the case may be" shall be construed as reference to "Commissioner".

By Order of the Governor,  
R. K. CHATURVEDI,  
Secretary to the Government.

# **Rajasthan Municipal Board's Chairman and Vice-Chairman and Municipal Council's Presidents and Vice-Presidents (Election Petition) Rules, 1959.**

Local-Self Government Department

## **NOTIFICATIONS,**

Jaipur, November 12, 1959.

Nc. F. 4 (34) LSG/A/59-I....In exercise of the powers conferred by section 297 read with the section 66 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) the State, Government hereby makes the following rules, namely:—

1. *Short title and Commencement.*—(1) These rules may be called the Rajasthan Municipal Board's Chairmen and Vice-Chairmen, and Municipal Council's Presidents and Vice-Presidents (Election Petition) Rules, 1959.

(2) They shall come into force from the date of their publication in the official Gazette.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(1) 'Act' means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959).

(2) 'Candidate' means a person who has been nominated as a candidate at any election of Chairman, Vice-Chairman, President or Vice-President, as the case may be and includes a person, who when an election is in contemplation, holds himself out as a prospective candidate thereat and is subsequently nominated as a candidate at such election.

(3) 'Chairman' means a Chairman of a Municipal Board.

(4) 'Councillor' means any person who is lawfully a member of a Municipal Council.

(5) 'Electoral right' means the right of a person to stand or not to stand as or to withdraw from being a candidate or to vote or refrain from voting at an election.

(6) 'Judge' means—

(a) the District Judge sitting at a place where the Municipal office is situated;

(b) where there is no such District Judge, Civil Judge so sitting;

(c) where an election Petition is transferred by a District Judge to a Civil Judge; or

(d) any other Judge specially appointed by the State Government for the purpose.

(7) 'Member' means any person who is lawfully a member of the Municipal Board.

(8) 'President' means a President of a Municipal Council.

(9) 'Vice-Chairman' means a Vice-Chairman of a municipal Board.

(10) 'Vice-President' means a Vice-President of a Municipal Council.

3. *Grounds on which election may be called in question.*—

The election of a Chairman, Vice-Chairman, President, or Vice-President may be questioned by a candidate who has been defeated or whose nomination has been rejected by an election Petition one or more of the following grounds:—

(a) that on the date of election, a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under this Act, or

(b) that any corrupt practice specified in section 35 of the Act has been committed by a returned candidate or by any other person with the consent of a returned candidate, or

(c) that any nomination has been improperly rejected or that the result of the election in so far as it concerns a returned candidate has been materially affected:—

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interest of the candidate by a person acting with the consent of such candidate; or

(iii) by the improper rejection, refusal or rejection of any vote or the reception of any vote which is void, or

(iv) by any non-compliance with the provisions of the Act or of any rules or orders made thereunder, or

(d) that in fact the petitioner or some other candidate received a majority of the valid votes, or

(e) that but for the votes obtained by the returned candidate by corrupt practices, the petitioner or some other candidate would have obtained a majority of the valid votes.

4. *Presentation of Election Petitions.*—(1) The election petition shall be presented to the Judge within thirty days from the date on which the result of the election in question is announced and shall specify the ground or grounds on which the election of the respondent is questioned and shall briefly describe the circumstances which may justify the election being questioned on such grounds. Every election Petition shall be accompanied by a Treasury Challan of Rupees one hundred.

(2) The election Petition may be presented to the Judge by a candidate who has been defeated or whose nomination has been rejected.

(3) The Person whose election is questioned, and where the petitioner claims that he himself or any other candidate be declared duly elected in place of such person, all the contesting candidates other than the Petitioner, shall be made respondent or respondents to the Petition.

5. *Rights of candidates Whose election is questioned.*—A respondent may defend his election on any ground on which it may be open to him legally to do so and give evidence to prove that any person in respect of whom a claim is made that such person be declared elected in his place or in priority to him, should not be declared so elected, in the same manner as if he had presented an election Petition against the Election of such person.

6. *Procedure*—In hearing the Petition the Judge shall follow the procedure laid down in section 41 of the Act.

7. *Powers of Judge hearing Petition*—In hearing the Petitions the Judge shall exercise the powers specified in sections 43 and 44 of the Act.

#### Notes

Sections 43 and 44 of the Rajasthan Municipalities Act, 1959 read as under;—

43. The Judge hearing an election petition shall have the same powers and privileges as a Judge of a Civil Court when trying a suit and may, for the purpose of serving any notice or issuing any process or doing any other thing, employ any officer, clerk or peon attached to his courts.

44. (1) At the conclusion of the trial of an election petition, the Judge shall make an order—

- (a) dismissing the election petition; or
- (b) declaring the election of all or any of the returned candidates to be void; or
- (c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

(2) At the time of making an order under sub section (1), the Judge shall also make an order—

- (a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording—
  - (i) a finding whether any corrupt practice has or has not been proved to have been committed by, or with the consent of, any candidate or his agent at the election and the nature of that corrupt practice, and
  - (ii) the names of all persons, if any, who have been proved at the election and trial to have been guilty of any corrupt practice, and
- (b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid;

Provided that a person who is not a party to the election petition shall not be named in the order under sub-clause (ii) of clause (a) unless—

- (a) he has been given notice to appear before the Judge and to show cause why he should not be so named, and
- (b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Judge and has given evidence against him, of calling evidence in his defence and of being heard.

(3) The Judge shall dismiss an election petition which does not comply with the provisions of section 36 or section 37 or section 53.

]                      **Municipal Board's (Election Petition) Rules, 1959**

(4) The Judge shall declare the election of a returned candidate to be void on any of the grounds specified in clauses (a) and (b) of section 34.

(5) If in the opinion of the Judge, the returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice specified in section 35, but the Judge is satisfied;—

- (a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election agent,
- (b) that all such corrupt practices were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election,
- (c) that the candidate and his election agent took all reasonable steps for preventing the the commission of corrupt practices at the election, and
- (d) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents,

the Judge may decide that the election of the returned candidate is not void.

(6) If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected, the Judge, if satisfied as to the matters specified in clauses (e) and (f) of section 34, shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

7. If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then—

- (a) any decision, made by the returning officer under the provisions of this Act or any rules made thereunder shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and
- (b) in so far as that question is not determined by such a decision, the Judge shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

(8) The Judge shall, after announcing the orders made under this section, send a copy thereof to such authority or officer, as may be appointed by the State Government for the purpose.

(9) In sub-section (2) and (5) the expression 'agent' has the same meaning as in section 35.

8. *Execution of orders as to costs.*—Any order as to costs passed by Judge shall be executed by him on application made in that behalf in the same manner and by the same procedure as if it were a decree, in the payment of money made by himself in a suit.

# Rules for enquiry into a Charge against a Municipal member and councillor.

Jaipur, November 11, 1959.

No. F. 4 (34) LSG./A/59-11.—In exercise of the powers conferred by sub-section (3) of section 63 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby prescribes the following procedure for holding an enquiry into a charge against the member of a Municipal Board or the Councillor of a Municipal Council:—

## Notes

Section 63 of the Act authorises the State Government to remove a member of a board on any of the grounds mentioned in the section itself. Clauses (c) and (d) of section 63 providing for the removal of a member read as under;...

- (c) that he has incurred any of the disqualifications mentioned in section 18 or section 26,
- (d) that he has...
  - (i) been guilty of misconduct in the discharge of his duties, or
  - (ii) been guilty of any disgraceful conduct, or
  - (iii) become incapable of performing his duties as a member, or
  - (iv) otherwise flagrantly abused in any manner his position as such member:

Provided that an order of removal shall be passed by the State Government after such inquiry as it considers necessary to make either itself or through such officer or authority as it may direct and after the member concerned has been afforded an opportunity of explanation.

Sub-section (1) of section 18 of the Act provide that, (1) A person shall be disqualified for registration in an electoral roll prepared under this Act, if he is disqualified for registration in the State Assembly rolls.

Section 26 of the Act following grounds for disqualification,—

A person, notwithstanding that he is otherwise qualified, shall be disqualified for being chosen as, and for being, a member of a board—

- (i) Who has been sentenced by a criminal court to imprisonment for a term exceeding six months for an offence which is declared by the State Government to imply such moral turpitude as to render him unfit to be a member, such sentence not having been subsequently reversed or remitted, or the offender pardoned, or
- (ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), in proceedings instituted under section 110 of the Code, such order not having been subsequently reversed, or
- (iii) who has been dismissed from the service of the Central or a State Government or any local authority for misconduct, or
- (iv) who having been a legal practitioner has been debarred from practising as such by order of any competent authority, or
- (v) who holds any place of profit in the gift or disposal of the board, or
- (vi) who is disqualified under section 59 or section 64, or
- (vii) who is disqualified under section 146 of the Representation of the People Act, 1950 (Central Act XLIII of 1950), or
- (viii) who holds a salaried or part-time appointment under the Central or a State Government or a local authority, or

## 2 ] Rules for enquiry into a Charge against a municip. member & councillor.

- (ix) who is an undischarged insolvent, or
- (x) who is suffering from leprosy, or
- (xi) who has been adjudged by a competent court to be of unsound mind, or
- (xii) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, employer or employee, any share or interest in any work done by order of such board, or in any contract or employment with or under or by or on behalf of such board, or
- (xiii) who is employed as a paid legal practitioner on behalf of such board or accepts employment as legal practitioner against such board during the term for which he has been elected, or
- (xiv) who is in arrears in the payment of any tax or other dues in excess of one year's demand:

Provided that:...

- (a) the disqualification mentioned in clause (i) shall cease to operate after the expiry of three years from the date of the release of the disqualified person from imprisonment;
- (b) the disqualification mentioned in clause (ii) shall cease to operate after the expiry of the period for which a person is ordered to furnish security;
- (c) the disqualification mentioned in clause (vi) shall cease to operate after the expiry of the period for which a person is so disqualified unless such disqualification is removed earlier by an order of the State Government.
- (d) a person shall not be deemed to have incurred the disqualification under clause (xii) by reason of his...
  - (i) having any share or interest in any joint stock company, otherwise than as a managing director or agent which shall contract with, or be employed by or on behalf of the board, or
  - (ii) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or
  - (iii) having a share or interest in any newspapers in which any advertisement relating to the affairs of the board may be inserted, or
  - (iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the board, or
  - (v) having a share or interest in the occasional sale of any article in which he regularly trades to the board to a value not exceeding in any official year such amount as the board, with the sanction of the State Government, may fix in this behalf, or
  - (vi) having a share or interest in the occasional letting out on hire to the board, or in the hiring from the board, of any article for a sum not exceeding in any official year fifty rupees or such higher amount not exceeding two hundred rupees as the board, with the sanction of the State Government, may fix in this behalf;
- (e) the disqualification mentioned in clause (xiv) shall cease as soon as the arrears are paid;

A removal can thus be ordered if a member incurs any of the disqualification as aforesaid.

The procedure for removal of members on the grounds mentioned in clauses (c) and (d) of sub-section (1) of section 63 of the Act is contained in sub-sections (2) and (3) of the Act which read as under:...

(2) Notwithstanding any thing contained in sub-section (1) where it is proposed to remove a member on any of the grounds specified in clause (c) or clause (d) of sub-section (1), as a result of the inquiry referred to in the proviso to that sub-section and after hearing the explanation of the member concerned, the State Government shall draw up a statement setting out distinctly the charge against the member and shall send the same for inquiry and findings by judicial officer of

the rank of a District Judge to be appointed by the State Government for the purpose.

(3) The judicial officer so appointed shall proceed to inquire into the charge in the prescribed manner, hear the member concerned if he makes appearance, record his findings on each matter embodied in the statement as well as on every other matter he considers relevant to the charge and send the record along with such finding to the State Government, which shall thereupon pass orders in conformity with those findings.

The present rules prescribe the matters as required under aforesaid sub-section (3) of section 63 of the Act.

1. When the State Government sends a statement setting out distinctly the charge against the member/Councillor the same shall be treated as complaint and a copy of the same shall be sent to the member/Councillor for filing a written statement personally or through his Advocate on a date fixed for the purpose by the Judicial Officer.

2. If the member/Councillor admits the charge in his written statement and shows no sufficient cause why he should not be removed the Judicial Officer shall record his findings on each matter embodied on the statement of the charge after hearing him if he makes appearance and send the record to the State Government for passing necessary orders.

3. If the member/Councillor denies the charge, the Judicial Officer shall take such evidence (oral or documentary), as may be produced in support of and against the charge.

4. The Judicial Officer may if he thinks fit on the application of the member/Councillor issue summons to witnesses directing them to appear before him and/or to produce any document.

5. The Judicial Officer may require the member/Councillor to deposit such amount for witness expenses as may be considered necessary.

6. The member/Councillor against whom a charge has been made may be examined at any stage by the Judicial Officer.

7. If the member/Councillor does not appear either personally or through his Advocate the Judicial Officer may proceed *ex-parte* and after taking such evidence as he may consider necessary, record his findings on each matter embodied in the statement of the charge.

8. The Judicial Officer after completing the enquiry shall send the record along with his findings to the State Government for passing necessary orders.

By Order of the Governor,  
R. K. CHATURVEDY,  
Secretary to the Government.

# Rajasthan Municipalities (Compounding of Offences) Rules, 1960.

Jaipur, January 16, 1960.

No. F. 4 (34) LSG/A(59) I.—In exercise of the powers conferred by section 297 read with clause (c) of section 266 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following rules, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Municipalities (Compounding of Offences) Rules, 1960

(2) They shall come into force with immediate effect.

## Notes.

Section 266 of the Rajasthan Municipalities Act, 1959 vests a Municipal Board with powers to compound offences. A Municipal Board is thus empowered to—

(a) compromise with any person who in the opinion of the board has committed an offence punishable under this Act or any bye law thereunder and on such compromise no proceeding shall be taken against such person in respect of such offence;

(b) withdraw from prosecutions instituted under this Act or under any bye-law made thereunder;

(c) compound any offence against this Act or against any bye law made thereunder which may, by rules made by the State Government, be declared compoundable:

Proviso to clause (c) of section 266 of the Act requires the State Government to make rules for regulating the proceedings of persons empowered to compromise offences under this section.

2. *Definitions* —(1) In these Rules, unless the context otherwise requires—

(i) "Act" means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959).

(ii) "Section" means a section of the Act;

(3) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

3. *Offences which may be compounded.*—The offences punishable under the provisions of the Act and any bye-laws made thereunder, except under section 170 and 194, shall be compoundable.

## Notes.

Sections 170 and 194 of the Act deal with the grant of permission for erection of buildings and certain projections thereto Sub-section (II) of section 170 of the Act provides that:—

"(11) Whoever begins, continues or completes the erection or re erection of, or any material alteration in, a building or a part of building or the erection or re-erection of any projecting portion of a building in respect of which the board is empowered by section 166 to enforce a removal or set back or the construction or enlargement of well without giving the notice required by sub section (1) or in contravention

of any provision of this section or of an order of the board made under sub-section (6) or sub-section (7) shall be liable on conviction to a fine which may extend to two hundred rupees."

Sub-section (2) of section 194 of the Act reads as follows:—

(2) Any such owner or occupier putting up any such projection as aforesaid without such permission or in contravention of such orders shall be punished with fine which may extend to twenty-five rupees and, if any such owner or occupier fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

These two offences have been made not compoundable.

4. *Power to compound offences.*—(1) Subject to the provisions of Rule 3, a Municipal Board/Council, or with the authorisation of the Municipal Board/Council, its Chairman/President, may accept from any person in respect of whom there is reasonable ground to believe that he has committed any act or omission made punishable under the Act or a bye-law made thereunder, a sum of money by way of composition therefor.

(2) On payment of such sum, no further proceedings shall be taken against the offender in respect of the offence so compounded.

(4) Sums paid by way of composition under these rules shall be credited to the Municipal Fund.

(4) Authorisation under sub-rule (1) to accept composition for offences may be given by the Municipal Board/Council either generally in regard to all offences under the Act and bye laws made thereunder or particularly in regard only to specified offence or offences of a specified class and may at any time be withdrawn by the Municipal Board/Council.

5. *Procedure for composition of offence.*—A person or authority empowered to accept composition under rule 4 shall, in regard to such composition, observe the following procedure:—

(a) Before accepting money for composition for an offence, he shall explain to the accused the offence with which he is charged and that he is at liberty, if he so wishes, to be tried for it.

(b) He shall not accept a sum larger than the maximum fine which can be imposed for such a breach.

(c) For every composition accepted, he shall grant a receipt as soon as the sum fixed as composition is paid.

(d) He shall enter particulars of every case in which he takes action in a register in the Form appended:—

## FORM.

[ (See rule 5 (d) ]

Register of action taken in regard to offence.

S. No.	Full name and address of the accused	Nature of offence with reasons for taking action	Summary of the statement of accused	Result
1	2	3	4	5
When compounded, the sum fixed for composition, date of credit into Municipal Fund		If not compounded, action taken		Remarks
6		7		8

By Order of the Governor,  
R. K. CHATURVEDI,  
Secretary to the Government.

# Rajasthan Municipalities Election Order, 1960.

Local Self-Government Department

## NOTIFICATION

Jaipur, January 3, 1960.

No. F. 4 (34) LSG./59.—In exercise of the powers conferred by section 297 read with section 29 and 61 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following Order, namely:—

1. *Short title and commencement.*—(1) This Order may be called the Rajasthan Municipalities Election Order, 1960.

(2) It shall come into force on the date of its publication in the Official Gazette.

### Notes

Sub-section (4) of section 9 of the Act requires that all the seats fixed for a board, general as well as reserved, shall be filled up by election held, in the manner provided for, by and in the order made under section 29 of the Act.

Sub-section (1) of section 29 of the Act requires the State Government to make provisions with respect to the following matters, namely:—

- (a) issue of notifications for general elections;
- (b) appointment, powers and duties of returning officers, presiding officers, polling officers, and clerks;
- (c) appointment of dates for nomination, scrutiny, withdrawal and polling;
- (d) form nomination paper, manner of its presentation, requirements for a valid nomination, making of deposits, notice of nominations and time and place for scrutiny of nomination papers, withdrawal of candidature, publication of list of contesting candidates and retirement of candidates from contest;
- (e) appointment and duties of election agents, polling agents and counting agents;
- (f) procedure for holding election including matters incidental or ancillary thereto;
- (g) adjournment of poll and fresh poll;
- (h) hours of polling;
- (i) identification of voters;
- (j) manner of voting at elections;
- (k) manner in which votes are to be given by the presiding officers, polling officers, polling agents, and other persons who are authorised or appointed for duty at a polling station at which they are not entitled to vote;
- (l) procedure to be followed in respect of the tender of vote by a person representing himself to be an elector after another person has voted as such elector;
- (m) scrutiny and counting of votes including recounting of votes, the procedure to be followed in case of equality of votes and the declaration of the result of elections;
- (n) notification of names of the members elected for a municipality;
- (o) return of forfeiture of deposits;
- (p) safe custody of ballot boxes, ballot papers and other election papers, period for which such papers shall be preserved and inspection and production of such papers; and
- (q) generally on all matters relating to elections under this Act.

Sub-section (2) of section 29 provides that:—

(2) The provisions of the order made under sub-section [1] shall not be inconsistent with the provisions of this Act and shall, so far as may be, conform to the

provisions of the Representation of the People Act, 1951 [Central Act XLIII of 1951] and the rules thereunder.

The present order has been made with a view to put into effect the requirements of sub section [1] of section 29 of the Act.

2. *Repeal.*—On this Order coming into force, the previous rules and orders made or issued under the laws and enactments repealed by section 2 of the Act shall stand repealed.

3. *Definitions.*—In this Order, unless the subject or context otherwise requires—

(i) 'Act' means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);

(ii) 'Candidate' means a person who has been or claims to have been duly nominated as a candidate at an election and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate.

(iii) 'Chairman' means the Chairman of a Board.

(iv) 'Electoral Roll Number' of a person means:—

(a) the serial number of the entry in the electoral roll in respect of that person,

(b) the serial number of the part of the electoral roll in which such entry occurs, and

(c) the name of the ward to which the electoral roll relates.

(v) 'Electoral Roll' means the list of persons entitled to vote at an election under the Act.

(vi) 'Elector' in relation to a ward means a person whose name is entered in the electoral roll of that ward for the time being in force and who is not subject to any of the disqualifications mentioned in section 18 of the Act.

(vii) 'Form' means a form appended to this Order.

(viii) 'President' means the President of a Council.

(ix) 'Returning officer' means a Gazetted officer appointed by the Collector concerned for the purpose of conducting election under this Order.

(x) 'Ward' means the ward as formed under section 14 of the Act.

(2) Words and expression used but not defined in this Order shall have the meanings assigned to them in the Act.

4. *Intimation of the expiry of term and appointment of date for general election.*—(1) The Chairman/President will intimate, not less than six months before the expiry of the term of office of its members, under section 11, of the Act the date on which such term shall expire and in case of any casual vacancy occurring under section 30 of the Act, soon after such vacancy occurs, to the State Government, Collector of the District and the Director of Local Bodies, Rajasthan.

*Notes.*

Sub-section (1) of section 11 of the Act prescribes the term of office of a municipal Board.

Section 30 of the Act dealing with casual vacancies and bye-elections read as under:—(1) A casual vacancy in the office of a member occurring otherwise than by efflux of time shall be filled, subject to the provisions of section 31, at a bye-election, which shall be fixed to take place as soon as may be after the occurrence of the vacancy and shall be held, as far as may be in the manner provided by order made under section 29 for a general election.

(2) A member elected at a bye-election shall hold office so long only as the member in whose place he is elected would have been entitled to hold the office if the vacancy had not occurred.

(2) Upon the receipt of such information or *suo moto*, the State Government or any other authority to whom powers under section 23 of the Act may have been delegated, may by notification in the Official Gazette, appoint a date or dates for general elections.

*Notes.*

Section 23 of the Act provides that:—(1) Except as provided in section 295 there shall be general election or appointment by co-option or nomination, as the case may be, to a board before the expiry of the term or extended term, as the case may be, of the board under section 11 on such date or dates as the State Government may, by notification in the official Gazette, appoint in that behalf.

(2) When a new municipality is constituted under section 4, the first board thereof shall, as far as may be, be constituted in accordance with the provisions of this Act relating to general election or appointment by co-option or nomination as the case may be, to a board.

5. *Appointment of Returning Officer.*—The Collector shall immediately after a date has been appointed under sub-clause (2) of Clause 4, appoint a person to be the Returning Officer.

6. *General Duty of the Returning Officer.*—It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided under this Order.

7. *Public Notice for inviting nominations etc.*,—(1) Not less than thirty days before the date appointed for the holding of an election, the Returning Officer shall give public notice in form I, in Hindi, stating:—

- (a) the number of persons to be elected;
- (b) the wards for which they are to be elected;
- (c) the number of seats, out of those for which elections are to be held, reserved in each ward for the Scheduled Castes or the Scheduled Tribes or for both;
- (d) the dates on which, the Place at which and the hours during which nomination papers shall be presented, an interval of at least seven clear days being allowed between the date of publication of the notice and the earliest date for presentation of nomination papers;
- (e) the place and date on which and the hours between which the nomination papers will be taken up for scrutiny.

- (f) the last date for the withdrawal of candidatures;
- (g) the day on which a poll shall, if necessary be taken and the hours during which the poll will be open; and
- (h) the day on which and hour at which the Returning Officer will commence counting of votes.

(2) The notice shall be published by affixing it on the Notice Board of the Municipal Board/Council at its office and in two or more conspicuous places in each ward for which an election is to be held.

8. *Presentation of nomination papers and requirements of a valid nomination.*—(1) On any of the dates, at the place and during the hours specified in the notice for filing of nomination papers under para (d) of Sub clause (1) of Clause 7, each candidate shall, either in person or by his proposer or seconder, deliver to the Returning Officer, a nomination paper completed in form II and signed by the candidate and two persons as proposer and seconder whose names are included in the electoral roll of the ward for which the candidate wants to seek election. The candidate shall also sign a declaration on it expressing (1) his eligibility for the election and (2) willingness to stand for the election.

(2) In a ward where any seat is reserved for the scheduled castes or the scheduled tribes or for both, a candidate shall not be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste or the tribe of which he is a member.

(3) Each candidate shall be nominated by a separate nomination paper

(4) The Returning Officer shall, on receipt of a nomination paper, forthwith number the nomination paper serially and enter on each nomination paper, the time at which it is presented.

(5) No nomination paper shall be received after the appointed time and the date for the presentation of nomination papers.

(6) Nothing contained in this clause shall prevent a candidate from being nominated by more than one nomination paper for election in the same ward.

9. *Choice of symbols by candidates.*—(1) The State Government shall by notification in the Official Gazette, publish a list of symbols and may in the like manner add to or vary such list.

(2) Every nomination paper presented under clause 8 shall contain a declaration specifying:—

- (a) the particular symbols which the candidate has chosen for his first preference, out of the list of symbols published under sub-clause (1);
- (b) two other symbols out of the list which he has chosen for his second and third preferences respectively:

Provided that—

- (i) the choice to be made by a candidate under this sub-clause shall be subject to such restrictions as the State Government may think fit to impose in that behalf;
- (ii) where more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered and no other declaration as to symbols shall be taken into consideration notwithstanding the eventual rejection of the said nomination paper.

10. *Deposits.*—(1) Each candidate nominated under the provisions of clause 8 shall, at or before the time of the delivery of his nomination paper, deposit or cause to be deposited with the Returning Officer or in the Municipal Office a sum of fifty rupees; and the nomination paper of a candidate shall not be deemed to have been duly presented unless such deposit has been made, provided that not more than one such deposit need be made by any candidate in respect of his candidature for any one ward;

Provided further that where the candidate is a member of the Scheduled Castes or the Scheduled Tribes, the amount to be deposited by him shall be twenty-five rupees.

(2) If a candidate by whom or on whose behalf the deposit referred to in sub-clause (1) has been made, withdraws his candidature within the time specified in clause 15 or if the nomination of any candidate is rejected, the deposit shall be returned to the person by whom it was made, and if any candidate dies before the commencement of the poll, any such deposit, if made by him shall be returned to his legal representative or if not made by the candidate, shall be returned to the person by whom it was made.

(3) If a candidate, by whom or on whose behalf the deposit referred to in sub-clause (1) has been made, is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled or in the case of a ward returning more than one member, one-eighth of the total number of votes polled, divided by the number of members to be elected, the deposit shall be forfeited to the Municipal Board/Council.

*Explanation.*—For the purpose of this sub-clause, the number of votes polled shall be deemed to be the number of ballot papers, other than rejected ballot papers, counted.

(4) If a candidate by whom or on whose behalf the deposit referred to in sub-clause (1) has been made is elected or is not elected, the deposit shall, if not forfeited under sub-clause (3), be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, after the publication of the result in the Official Gazette.

11. *Notice of nomination.*—Immediately after the time for receipt of nomination papers is over, the Returning Officer shall

cause to be published a notice of nominations in Form III by affixing it on the Notice Board of the Municipal Board/Council at its office and at his office containing descriptions similar to those contained in the nomination paper, both of the candidates and of the persons who have subscribed the nomination paper as proposer and seconder.

12. *Scrutiny of nomination papers.*—(1) On the date appointed for the scrutiny of nominations under para (e) of sub-clause (1) of clause 7, the candidates, one proposer and one seconder of each candidate, and one other person for each candidate, duly authorised in writing by such candidate, may attend at the time and place as is specified in the Notice for the scrutiny of nomination papers and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates whose names are included in the list of candidates posted under the provisions of clause 11.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination, and may, either on such objection or on his own notion, after such summary enquiry, if any, as he thinks necessary reject any nomination on any one or more of the following grounds:—

(a) that there has been a failure to comply with any of the provisions of clause 8, 9, or 10; or

(b) that the candidate either is not qualified or is disqualified for being chosen to fill the seat under the provisions of sections 26, 59 or 64 of the Act; or

(c) that the proposer or seconder is not qualified to subscribe the nomination paper under clause 8; or

(d) that in case the election is solely for a seat or seats reserved for the scheduled caste or the scheduled tribes the candidate does not belong to that caste or tribes:

#### Notes

Section 26 of the Act mentions following disqualification,—

A person, notwithstanding that he is otherwise qualified, shall be disqualified for being chosen as, and for being, a member of a board—

(i) Who has been sentenced by a criminal court to imprisonment for a term exceeding six months for an offence which is declared by the State Government to imply such moral turpitude as to render him unfit to be a member, such sentence not having been subsequently reversed or remitted, or the offender pardoned, or

(ii) against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898 (Central Act V of 1898), in proceedings instituted under section 110 of the Code, such order not having been subsequently reversed, or

(iii) who has been dismissed from the service of the Central or a State Government or any local authority for misconduct, or

(iv) who having been a legal practitioner has been debarred from practising as such by order of any competent authority, or

(v) who holds any place of profit in the gift or disposal of the board, or

(vi) who is disqualified under section 59 or section 64, or

- (vii) who is disqualified under section 146 of the Representation of the People Act, 1950 (Central Act XLIII of 1950), or
- (viii) who holds a salaried or part-time appointment under the Central or a State Government or a local authority, or
- (ix) who is an undischarged insolvent, or
- (x) who is suffering from leprosy, or
- (xi) who has been adjudged by a competent court to be of unsound mind, or
- (xii) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, employer or employee, any share or interest in any work done by order of such board, or in any contract or employment with or under or by or on behalf of such board, or
- (xiii) who is employed as a paid legal practitioner on behalf of such board or accepts employment as legal practitioner against such board during the term for which he has been elected, or
- (xiv) who is in arrears in the payment of any tax or other dues in excess of one year's demand:

Provided that:...

- (a) the disqualification mentioned in clause (i) shall cease to operate after the expiry of three years from the date of the release of the disqualified person from imprisonment;
- (b) the disqualification mentioned in clause (ii) shall cease to operate after the expiry of the period for which a person is ordered to furnish security;
- (c) the disqualification mentioned in clause (vi) shall cease to operate after the expiry of the period for which a person is so disqualified unless such disqualification is removed earlier by an order of the State Government.
- (d) a person shall not be deemed to have incurred the disqualification under clause (xii) by reason of his...
  - (i) having any share or interest in any joint stock company, otherwise than as a managing director or agent which shall contract with, or be employed by or on behalf of the board, or
  - (ii) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or
  - (iii) having a share or interest in any newspapers in which any advertisement relating to the affairs of the board may be inserted, or
  - (iv) holding a debenture or being otherwise interested in any loan raised by or on behalf of the board, or
  - (v) having a share or interest in the occasional sale of any article in which he regularly trades to the board to a value not exceeding in any official year such amount as the board, with the sanction of the State Government, may fix in this behalf, or
  - (vi) having a share or interest in the occasional letting out on hire to the board, or in the hiring from the board, of any article for a amount not exceeding in any official year fifty rupees or such higher amount not exceeding two hundred rupees as the board, with the sanction of the State Government, may fix in this behalf;
- (e) the disqualification mentioned in clause (xiv) shall cease as soon as the arrears are paid;

Section 59 provides that following shall entail disqualification for membership of a board, namely:—

- (a) corrupt practices specified in section 35,
- (b) offences punishable under section 171E or section 171F of the Indian Penal Code, 1860 (Central Act XLV of 1860), and
- (c) electoral offence referred to in section 32.

Sub-section (2) of section 59 provides that, (2) The period of such disqualification shall be five years from the date of the finding of the Judge as to such corrupt practice or from the date of conviction for such offence, as the case may be.

Clause (d) of sub-section (1) of section 63 of the Act requires that a member shall be liable for removal if he has—

- (i) been guilty of misconduct in the discharge of his duties, or
- (ii) been guilty of any disgraceful conduct, or
- (iii) become incapable of performing his duties as a member, or
- (iv) otherwise flagrantly abused in any manner his position as such member:

Section 64 of the Act provides that, A member removed under clause (d) of sub-section (1) of section 63 shall not be eligible for re-election for a period of three years from the date of the order of his removal.

Provided that the nomination of a candidate shall not be rejection merely on the ground of an incorrect description of his name or of the name of his proposer or seconder, or of any other particulars relating to the candidate or his proposer or seconder, if the identity of the candidate or his proposer or seconder, if the identity of the candidate, proposer or seconder, as the case may be, can otherwise be established beyond reasonable doubt:

Provided further that nothing contained in sub-clause (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of an irregularity in respect of a nomination paper if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(3) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under para (e) of sub-clause (1) of clause 7 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control.

(4) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

### 13. *Publication of the list of validly nominated candidates.*—

(1) After the scrutiny of nominations, the Returning Officer shall prepare a list in Form IV of persons whose nominations have not been rejected and publish it on the notice board of the Municipal Board/Council and at his office at least four days before the date fixed for election.

(2) The list shall contain the names of the candidates in Hindi alphabetical order in Devnagri Script and shall describe them as in their nomination papers, and, if a poll is found to be necessary, shall also specify the distinctive symbols allotted to them under clause 14. The list shall also indicate the names of candidates belonging to the Scheduled Castes or the Scheduled Tribes when contesting from a reserved seat.

14. *Allotment of symbols to candidates.*—(1) If in any ward, a poll becomes necessary under clause 23 or 24, the Returning Officer shall consider the choice with regard to the symbols expressed by the contesting candidates in the declarations referred to in sub-clause (2) of clause 9 delivered by them along with their nomination papers and shall subject to such directions issued by the State Government in this behalf:—

(a) allot a different symbol to each candidate in conformity, as far as may be practicable, with his choice; and

(b) if more candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted;

(c) the decision of the Returning Officer in allotting any symbol to a candidate under this clause shall be final.

(2) In every case where a symbol has been allotted to a candidate under sub-clause (1), such candidate or his election agent shall forthwith be informed of the symbol so allotted.

15. *Withdrawal of candidature.*—(1) Any candidate may withdraw his candidature by a notice in writing in Form V containing the particulars set out therein and shall be subscribed by him and delivered before three O'Clock in the afternoon on the day fixed under para (f) of sub-clause (1) of clause 7 to the Returning Officer either by such candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by such candidate.

(2) Unless the notice of withdrawal is delivered by the candidate himself to the Returning Officer, the candidate's signatures on the notice shall be attested by a Gazetted Officer of the Government.

(3) No person who has given a notice of withdrawal of his candidature under sub-clause (1) shall be allowed to cancel the notice.

16. *Publication of list of contesting candidates.*—(1) After the expiry of the period within which candidatures may be withdrawn under sub-clause (1) of clause 15, the Returning Officer shall prepare and publish in Form IV by affixing at the Notice Board of the Municipal Board/Council at its office and at his office, a list of contesting candidates, that is to say, candidates who were included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period.

(2) The said list shall contain the names in Hindi alphabetical order in Devnagri Script and the addresses of the contesting candidates as given in the nomination papers.

17. *Death of a candidate before poll.*—If a candidate dies before the poll and after the date appointed for the nomination of candidates and his nomination is or has been accepted as valid by the Returning Officer, all the proceedings with reference to the election of a member in the ward or wards in which he was a candidate shall be commenced anew in all respects as if for a fresh elec-

tion, provided that no fresh nomination shall be necessary in the case of a candidate whose name is entered in the list of valid nomination: posted under clause 16.

18. *Appointment of election agent.*—(1) A candidate at an election may appoint anyone person other than himself to be his election agent.

(2) Any appointment of an election agent under sub-clause (1) shall be made in form VI and the notice of such appointment shall be given by forwarding the same to the Returning Officer.

19. *Disqualification of being an election agent.*—Any person who is for the time being disqualified under the provision of the Act for being a member of a Municipal Board/Council or for voting at elections shall, so long as the disqualification subsists, also be disqualified for being an election agent at any election.

20. *Functions of an election agent.*—An election agent may perform such functions in connection with the election as are authorised by or under this Order to be performed by an election agent.

21. *Appointment of polling agents.*—(1) A candidate or his election agent may appoint one polling agent for each polling station.

(2) Every such appointment shall be made in form VII and shall be made over to the polling agent for production at the polling station or the place fixed for the poll, as the case may be.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the instrument of his appointment under sub-clause (2) after duly completing and signing the declaration contained therein.

22. *Appointment of counting agents.*—(1) A candidate or his election agent may appoint one person to be present at the time of counting of votes as his counting agent.

(2) Every such appointment shall be made in Form VIII in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy made over to the counting agent for production at the counting of votes.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer the second copy of the instrument of his appointment under sub-clause (2) after duly completing and signing the declaration contained therein

23. *Procedure in contested and uncontested elections for general seats.*—The following provisions shall apply in respect of candidates contesting elections in a ward to general seat and whose names appear in the list of valid nominations published under clause 16.

(1) If the number of candidates is more than one in any ward, a poll shall be taken.

(2) If there is only one candidate in any ward the Returning Officer shall forthwith declare such candidate to be duly elected.

(3) If there is no candidate, election proceedings shall be started afresh for filling up the seat in all respects as if for a new election.

24. *Procedure at elections in wards where seats are reserved for scheduled castes or scheduled tribes; or for both.*—(1) The provisions of this clause shall apply in relation to any election in a ward where the seats to be filled include one or more seats reserved for the scheduled castes or the scheduled tribes or for both.

(2) If the number of the candidates qualified to be chosen to fill the reserved seats is equal to the number of such seats in a ward all these candidates shall forthwith be declared to be elected to fill the reserved seats.

(3) If the number of contesting candidates qualified to be chosen to fill the reserved seats exceeds the number of such seats in a ward but the total number of contesting candidates is equal to the number of seats to be filled in a ward, the Returning Officer shall first select by lot to be drawn by him in such manner as he may determine, the candidates to be declared elected to the reserved seats out of the candidates qualified to be chosen to fill these reserved seats and thereafter declare the remaining candidate to be duly elected to fill the remaining seat.

(4) If the number of contesting candidates qualified to be chosen to fill the reserved seats exceeds the number of such seats in a ward and the total number of contesting candidates also exceeds the total number of seats to be filled in a ward, a poll shall be taken, and after the poll has been taken, the Returning Officer shall first declare those who being qualified to be chosen to fill the reserved seats, have secured the largest number of votes to be duly elected to fill the reserved seats, and then declare the remaining candidate who has secured the larger number of votes to be duly elected to fill the remaining seat.

(5) If the number of contesting candidates qualified to be chosen to fill the reserved seats is less than the number of such seats in any ward:—

(a) all these candidates shall be forthwith declared to be duly elected to fill the reserved seats;

(b) the procedure laid down in clause 23 shall be followed for filling the seats other than the reserved seats.

(c) the State Government or any authority to whom the powers under section 23 of the Act may have been delegated may, by notification in the official Gazette, call upon the ward to elect a person or persons to fill up the remaining reserved seat or seats.

25. *List of polling stations to be published.*—The Returning Officer shall select such number of polling stations as he may deem

necessary, and shall on a day following the day on which the list of contesting candidates was published under clause 16, post on the Notice Board of the Municipal Board/Council at its office and in two or more conspicuous places in each ward for which an election is to be held, a list showing the polling station so selected, the polling area for which such station has been selected and the hours during which each such station shall remain open for the recording of votes, and no person shall be permitted to record his vote except at the polling station of the area to which according to the electoral roll he belongs and within the period for which the polling station remains open:

Provided that—

(a) the Returning Officer may, at his discretion, if a sufficient number of women suitable and willing to act as polling officers are available, provide a separate polling station for taking the votes of women electors for any polling area or make such other arrangements as may be necessary to ensure the privacy of such electors. Except the police or other public servants on duty, no candidate or election or polling agent of a candidate who is not a woman shall be admitted into or be present at such polling station where the votes of such women electors are taken, as the case may be.

26. *Facilities for women electors.*—(1) Where a separate polling station has not been provided for women electors in a polling area, the presiding officer may direct that men and women electors shall be admitted into the polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors.

27. *Appointment of Presiding and Polling Officers etc.*—(1) If a poll is necessary under clause 23 or clause 24, the Returning Officer shall appoint a Presiding Officer and polling officers for each polling station and such other officers to assist the Presiding Officer as he may deem necessary and if before or at the time of the poll, the Presiding Officer or the Polling Officer or the polling clerk refuses to act or becomes incapable of acting as such, the Returning Officer shall appoint another person to act as Presiding Officer or polling clerk, as the case may be, in place of any person previously appointed.

(2) The Presiding Officer shall in addition to performing any other duties imposed upon him by this Order be in general charge of all arrangements at the polling station, and may issue orders as to the manner in which persons shall be admitted to the polling station and generally for the preservation of peace and order at or in the vicinity of the polling station.

28. *Polling Compartment.*—Each polling station and at a polling station having more than one polling booth, each such booth shall contain a separate compartment in which electors can mark their votes screened from observation.

29. *Election material to be supplied at a polling station.*—The Returning Officer shall provide at each polling station a ballot box, sufficient number of envelopes, copies of the electoral rolls or such part thereof as contains the names of the electors entitled to vote at the station and such other papers, stationery and forms etc., as may be necessary.

30. *The Ballot Box.*—Every ballot box shall be marked with the name or number of the polling station at which it is to be used and shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom, without the box being unlocked.

31. *Procedure before the commencement of poll.*—The Presiding Officer at each Polling Station, immediately before the commencement of the poll, shall show the ballot box empty to such persons as may be present at such station, so that they may see that it is empty, and shall then lock it up, place his seal upon it in such manner as to prevent its being opened without breaking such seal. He shall thereupon place the box so locked and sealed in his view for the reception of ballot papers.

32. *The Ballot Paper.*—The Ballot papers shall be printed in Form IX and shall contain the candidates names in alphabetical order together with the symbols allotted to each:

Provided that the names of the candidates declared by the Returning Officer to be elected under the provisions of clause 23 and clause 24 shall not be entered in the ballot paper.

33. *Voting to be in person and not by proxy.*—Subject to the provisions of clauses 46 and 47, every person wishing to record his vote shall do so in person and not by proxy.

34. *Questions to be put to electors.*—At any time before a ballot paper is delivered to an elector, the Presiding Officer or a polling officer may of his own accord if he has reason to doubt the identity of the elector or his right to vote at the polling station, and shall, if so required by a candidate or his election or polling agent, put to the elector the following questions:—

(a) Are you the person enrolled as follows (reading the whole entry relating to the elector from the electoral roll) ?

(b) Have you already voted at the present election ?

(c) Such other questions as he may deem fit or necessary; and the elector shall not be supplied with a ballot paper unless he answers the first question in affirmative and the second question in negative or answers any other question put to him in pursuance of this clause to the satisfaction of the Presiding Officer or the Polling Officer, as the case may be.

35. *Identification of voters.*—(1) The Presiding Officer may employ at the polling station such person or persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the Presiding Officer or the polling officer shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) Any candidate or his agent may challenge the identity of a person claiming to be a particular elector and where such challenge is made the procedure laid down in clause 42 shall be followed.

(4) In deciding the right of a person to obtain a ballot paper the presiding officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, provided that he is satisfied that such person is identical with the elector to whom such entry relates.

36. *Safeguards against personation.*—Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow:—

(a) His left forefinger to be inspected by the Presiding Officer or Polling Officer, and

(b) An indelible ink mark to be put on his left forefinger.

(2) If any elector refuses to allow his left fore-finger to be inspected or marked in accordance with sub-clause (1) or has already such a mark on his left forefinger or persists in doing any act with a view to remove such indelible ink mark, he shall not be supplied with any ballot paper or allowed to vote.

37. *Issue of ballot papers to electors.*—(1) after the elector's left forefinger has been marked under clause 36, a ballot paper shall be issued to him.

(2) At the time of issuing a ballot paper to an elector, the presiding officer or the polling officer shall place against the serial number of the elector a mark in a copy of the electoral roll set apart for the purpose to denote that the elector has received a ballot paper.

38. *Manner of recording votes after the receipt of ballot paper.*—(1) In plural member wards, where one or more seat is reserved for a member or members of the Scheduled Castes or the Scheduled Tribes or both, each elector shall have two or more votes, but no elector shall give more than one vote to any one candidate.

(2) The elector on receiving the ballot paper shall forthwith proceed to the polling compartment in which electors can record their votes screened from observation by any body else and there make a mark (x) on the ballot paper against the name or names of the candidate or candidates for whom he wants to vote and fold it so as to conceal his vote and insert the ballot paper so folded into the ballot box placed in view of the Presiding Officer.

(3) Every elector shall vote without undue delay and shall quit the polling station as soon as he has inserted his ballot paper into the ballot box.

(4) No elector shall be allowed to enter a polling compartment when another elector is inside it.

39. *Instructions for recording votes to be explained by the Presiding Officer, when requested.*—The Presiding Officer or the Polling Officer as the case may be, shall, when he is so requested by an elector, explain to him the directions for the recording of votes.

40. *Recording of votes by blind or infirm electors etc.*—(1) If owing to the blindness or other physical infirmity, an elector is unable to recognise the symbols on the ballot paper or make a mark thereon, or is physically incapable of inserting a ballot paper in the ballot box, the Presiding Officer shall record his vote in the ballot paper in accordance with the wishes of the elector and fold it up so as to conceal the vote.

(2) The elector shall then himself or with the assistance of the Presiding Officer insert the ballot paper into the ballot box.

(3) While acting under this clause, the Presiding Officer shall observe as much secrecy as is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

41. *Tendered Votes.*—If a person, representing himself to be a particular voter named in the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the Presiding Officer may ask, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (henceforward referred to as a tendered ballot paper) shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box, shall be given to the Presiding Officer and endorsed by him with name of the voter and his number of the electoral roll, and shall be set aside in a separate packet, and shall not be counted. The name of the voter and his number in the electoral roll and the name or number of the polling station to which the electoral roll relates shall be entered in a separate list in Form X maintained for the purpose which shall bear the heading "List of Tendered Votes". The person tendering such ballot paper shall sign his name and address thereon or affix his thumb impression against the entry in the list, and if he affixes his thumb impression, the Presiding Officer shall sign his name across such impression.

42. *Challenged Votes.*—(1) Every candidate or his election or polling agent making a challenge under sub-clause (3) of clause 35 shall give a declaration in Form XI and deposit a sum of two rupees in cash with the presiding officer for each such challenge.

(2) On such deposit being made the Presiding Officer shall—

- (a) warn the person so challenged of the penalty for personation;
- (b) enter his name and address in the list of challenged votes in form XII; and
- (c) require him to affix his signature in the said list.

(3) The presiding officer shall thereafter hold a summary enquiry into the challenge and may for that purpose require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of the identity.

(4) After such enquiry, if the presiding officer is of the opinion that the challenge has not established, he shall allow the person challenged to vote and if he is further of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-clause (1) be forfeited to the Municipal Board/Council.

(5) After such enquiry, if the presiding officer is of the opinion that the challenge has been established, he shall not allow the person challenged to vote and shall return the deposit made under sub-clause (1) to the challenger after the close of the poll on the day on which it was made.

(6) The presiding officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of challenged votes.

43. *Spoilt ballot papers*—A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot conveniently be used as a ballot paper may, after delivering such ballot paper to the presiding officer and satisfying him of such inadvertence, obtain another ballot paper in place of the spoilt paper, and the latter shall be marked as cancelled.

44. *Return of ballot paper by an elector*.—If an elector after obtaining any ballot paper for the purpose of recording his vote decides not to use the same, he shall return the ballot paper to the presiding officer and the ballot paper so returned shall then be marked as "Cancelled-Returned" and kept in a separate envelope set apart for the purpose and record shall be kept by the Presiding Officer of all such ballot papers.

45. *Special procedure for voting for certain classes of persons*.—

(1) A presiding officer, polling officer, public servant or polling agent, who is on duty at a polling station at which he is not entitled to vote may apply to the Returning Officer for a certificate entitling him to record his vote at the polling station where he is employed. The said certificate shall be in Form XIII. The name of the polling station at which he would have been entitled to vote shall be entered in the counter foil of the ballot paper together with his electoral roll number.

The Returning Officer shall in either case, immediately send a copy of the certificate to the presiding officer of the polling station

at which the person to whom the certificate is issued is ordinarily entitled to record his vote.

(2) Such ballot papers shall be placed in an envelope and sealed by the presiding officer and returned with the certificate to the Returning Officer shall cause such votes be included among other votes for the Officer who has granted the same, and such Returning Officer candidates designated by the voter.

46. *Manner of recording votes for persons subjected to preventive detention.*—(1) Any elector who is subjected to preventive detention may at time within 15 days from the date of notification under clause 7 give a notice in writing to the Returning Officer of his intention to vote by postal ballot.

(2) Every such notice shall specify the name of the elector, his address and electoral number and the particulars regarding his place of detention.

(3) If the Returning Officer is satisfied that the person who has given a notice under sub-clause (1) is under preventive detention and is entitled to vote at the election, he shall arrange to take the vote of such person by postal ballot.

(4) The Returning Officer shall as soon as practicable send a postal ballot paper by registered post to each elector entitled to vote under the preceding sub-clause or cause it to be delivered to such elector personally and shall at the same time record the serial number of each of the ballot paper against the entry relating to that elector in the copy of the electoral roll set apart for the purpose.

(5) Along with the ballot paper, the Returning Officer shall send to the elector.

(a) a declaration in form XIV;

(b) a cover in form XV

(c) a large cover addressed to himself in form XVI

(d) directions and instructions for the guidance of electors in form XVII.

(6) Every officer under whose care or through whom a postal ballot is sent shall ensure that the same is delivered to the addressee without delay.

(7) After ballot papers have been issued to all the electors entitled to vote by postal ballot as such, the Returning Officer shall seal up in a packet the electoral roll used in connection with the issue of ballot papers and record on the packet a brief description of its contents, the name of the ward and the date on which he seals it.

(8) No election shall be invalidated by reason that an elector has not received his ballot paper provided that it has been issued to him in accordance with this clause.

47. *Recording of votes on postal ballot paper.*—(1) An elector who has received a postal ballot paper under clause 46 and desires to vote shall record his vote on the ballot paper in accordance with

instructions in form XVII, he shall then secure the same in the cover in form XVI.

(2) The elector shall sign the declaration referred to in sub-clause (5) of clause 46 in the presence of and have the signatures attested by gazetted officer or the officer-in-charge of the jail under which elector is under detention.

48. *Adjournment of Poll.*—(1) If at an election, the proceedings at any polling station or at the place fixed for poll are interrupted or obstructed by any riot or open violence, or if at an election, it is not possible to take the poll at any polling station or at the place fixed for poll on account of any natural calamity, or any, other sufficient cause, the Returning Officer shall announce an adjournment of the poll to a date to be notified later.

(2) Whenever a poll is adjourned under sub-clause (1), the Returning Officer shall immediately report the circumstances to the Collector of the District and shall, as soon as may be, with the previous approval of the Collector, appoint the day on which the poll shall recommence, and fix the polling station or place at which, and the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Returning Officer shall notify the date, place and hours of polling fixed under sub-clause (2).

49. *Fresh Poll*—(1) If at any election, any ballot box used at polling station or at a place fixed for the poll is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is any way tampered with or is accidentally or intentionally destroyed, or damaged, and the Returning Officer is satisfied that in consequence thereof the result of the poll at that polling station or place cannot be ascertained, he shall:—

(a) declare the polling at that polling station or place to be void,

(b) report the matter forthwith to the Collector and the State Government,

(c) with the previous approval of the Collector appoint a day and fix the hours for taking a fresh poll at the polling station or the place, and

(d) notify the day so appointed and hours so fixed.

(2) The provisions of this order shall apply to every fresh poll as they apply to the original poll.

50; *Close of the poll.*—(1) The Presiding Officer shall close the polling station at the hours appointed for closing so as to prevent admission thereto of any elector after that hour but all the electors present at the place fixed for the poll before it is so closed shall be entitled to have their votes recorded.

(2) The Presiding Officer shall, as soon as practicable after the close of the poll, make up into packets in the presence of any candidates or election or polling agents who may be present and seal with his own seal and the seal of such candidates or polling agents as may desire to affix their seals:—

- (i) the ballot box in use at the polling station unopened but with the key (Sealed) attached,
- (ii) the counterfoils of the ballot papers,
- (iii) the unused ballot papers,
- (iv) the Spoilt ballot papers,
- (v) the tendered ballot papers,
- (vi) the tendered votes list,
- (vii) the challenged votes list,
- (viii) the cancelled or returned ballot papers,
- (ix) the marked copy or copies of the electoral roll,
- (x) the cover referred to in clause 45 containing ballot papers etc. of persons voting under that clause; and forward each packet to the Returning Officer.

(3) Each packet shall be numbered and shall bear a note as to its contents, the name of the polling station and the number of the ward. Where no vote has been received at any polling station, the Presiding Officer shall submit nil report together with the statement in Form XVIII referred to in clause 51.

51. *Account of ballot papers to be sent to the Returning Officer.*—The packets shall be accompanied by a statement in separate cover, in Form XVIII made by the Returning Officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoilt, tendered, cancelled and returned ballot papers.

52. *Counting of votes.*—(1) The counting of votes shall commence on the day and at the place and hour appointed in that behalf, Votes shall be counted by, or under the supervision of the Returning Officer, and each candidate, the election agent of each candidate, or the counting agent of each candidate shall have right to be present at the time of counting. No other person shall be allowed to be present except such persons as the Returning Officer may appoint to assist him in counting the votes and no person shall be appointed to assist in the counting of votes who have been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

(2) The Returning Officer shall then proceed as follows:—

- (i) Open the ballot box of each ward,
- (ii) endorse on every ballot paper which is rejected the word 'rejected' and if a candidate or his election or counting agent present questions the correctness of the rejection, he shall also record on the ballot paper the grounds for such rejection,

(iii) count or cause to be counted the valid votes given to each candidate

The Returning Officer shall, as far as practicable, proceed continuously with the counting of votes and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers and other documents relating to the election under his own seal and seals of the candidates or their election or counting agents, if any, as are present and desire to affix their seals, and shall otherwise take proper precautions for the security of the documents.

53. *Rejection of ballot paper.*—(1) A ballot paper shall be rejected:—

- (a) if it has not the official seal, or
- (b) if there are marks against the names of more candidates than there are vacancies to be filled, or
- (c) if no mark is made against the name of any candidate, or
- (d) if for any reason, it is not certain for which candidate or candidates the elector intended to vote, or
- (e) if the ballot paper bears any mark or writing by which the elector can be identified, or
- (f) that it is a spurious ballot paper or that it has been so damaged or mutilated that its identity as genuine ballot paper cannot be established:

Provided that a ballot paper shall not be rejected under para-

(a) if the Returning Officer is satisfied beyond reasonable doubt that the ballot paper was the one issued by the Presiding Officer.

(2) The decision of the Returning Officer as to the validity of a ballot paper shall be final subject only to reversal on an election petition.

54. *Scrutiny and counting of postal ballot papers.*—(1) After the counting of ballot papers under clause 52 has been completed, the Returning Officer shall scrutinise the postal ballot papers and reject the same—

- (a) If the declaration referred to in sub-clause (5) of clause 46 is not found in the cover, or
- (b) if the said declaration has not been duly signed and attested or is otherwise substantially defective, or
- (c) for any one or more of the reasons specified in clause 53, or
- (d) that the cover has been received after the expiry of the time fixed in that behalf.

(2) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate.

55. *Provision for recounting.*—(1) Any candidate or in his absence his election or counting agent may at any time during the counting of votes, request the Returning Officer to recount the ballot

papers of all or any candidates and the Returning Officer shall forthwith recount the same accordingly.

(2) The Returning Officer may in his discretion recount votes either once or more than one in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that nothing in this sub-clause shall make it obligatory on the Returning Officer to recount the same more than once

56. *Declaration of results.*—When the counting of votes has been completed, the Returning Officer shall prepare a return of the results of the polling ward wise in Form XIX and shall declare the result in the following manner unless otherwise directed by the State Government:—

(a) the candidate who is found to have obtained the largest number of valid votes shall be declared to have been elected,

(b) In a ward where the seats to be filled include one or more seats reserved for the Scheduled Castes or the Scheduled Tribes or both, the candidates who, being qualified to be chosen to fill the reserved seats, as have secured the largest number of valid votes to be duly elected to fill the reserved seats shall be declared first and then such of the remaining candidates as have secured the largest number of valid votes to be duly elected to fill the remaining seat shall be declared;

(c) if after the counting of votes, tie is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, that shall forthwith be declared between those candidates by lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected.

57. *Publication of names in the official gazette.*—(1) The names of persons declared to have been elected under clause 56 shall be communicated with the least practicable delay to the Government, the Collector and the Director of Local Bodies, Rajasthan, Jaipur.

(2) The State Government shall then notify the result in the official gazette.

58. *Election papers to be forwarded to the Collector.*—The Returning Officer shall seal up in separate packets the valid and rejected ballot papers and shall also seal up the packets containing other relevant records and record thereon the description of contents and the date of election to which it refers and forward the same to the Collector.

59. *Preservation, inspection and production of Records.*—(1) The Collector shall retain for three years the packets and returns forwarded to him by the Returning Officer under clause 58 and shall then, unless otherwise directed by a competent court, cause them to be destroyed.

(2) While in the custody of the Collector, the packets of ballot papers (Whether counted, rejected, tendered or challenged and of the counterfoils thereof and the marked copy of the electoral roll shall not be opened, and their contents shall not be inspected or produced except under the order of a competent court.

60. *Oath of Officer.*—Every person who elected to be a member of any Municipal Board/Council shall before entering upon his duties a such make and subscribe before the Collector or his nominee for the purpose an oath or affirmation in the form prescribed below:—

“I .....do solemnly swear (or affirm) that I will be faithful and bear true allegiance to the Constitution of India as by law established and that I will loyally carry out the duties of the officer upon which I am about to enter.”

*Notes.*

This clause has been made for putting into effect the requirements of section 61 of the Act which reads as under:—(1) Every member shall, before entering upon his duties as such, make and subscribe before the Collector or his nominee for the purpose an oath or affirmation in the prescribed form.

(2) Any member who fails to comply with the provisions of sub-section (1) within a period of three months from the date of the first meeting of the board shall be deemed to have vacated his seat.

61. *General.*—(1) If any question arises as to the interpretation of any provisions of this Order otherwise than in connection with an enquiry held for the decision of disputes as to the validity of an election, the question shall be referred to the Government whose decision shall be final.

(2) Pending the decision of the Government on any such reference made to them or the issue of final orders on any enquiry which the State Government may institute upon receipt of information that an election is being or out to be held in contravention of this Order, it shall be lawful for the State Government to direct the stay of election proceedings at any stage thereof prior to the declaration of the results. Any election held or continued in contravention of the orders of the State Government under this Order shall be void.

(3) Unless it is otherwise ordered by the State Government election proceedings stayed under this Order shall on cancellation of the stay order, proceed from the stage at which they were stayed on fresh dates to be fixed.

(4) If any difficulty arises as to the holding of any election under this Order, the Government may, by order, do anything not inconsistent with this Order which appears to them necessary for the proper holding of the election.

## FORM I

Notice of Election.  
(See Clause 7)

Election to \_\_\_\_\_ Municipal Board/Council.

Notice is hereby given that:—

1. An election is to be held for the membership of Municipal Board/Council.

2. Forms of nomination paper may be obtained at the Municipal Office between the \_\_\_\_\_ hours of \_\_\_\_\_ and \_\_\_\_\_ from \_\_\_\_\_ (date) to \_\_\_\_\_ (date).

3. Number of persons to be elected is .....

4. The ward or wards from which they are to be elected are shown below:—

S. No.	Name/Number of the ward from which to be elected.	Number of seats General.	Reserved for Scheduled castes or Scheduled tribes.

5. Nomination papers may be delivered between the hours of 11 in the morning and 3 in the afternoon by a candidate or his proposer or seconder to the Returning Officer at his Office on any working day not later than ... .. day ..... 196.

6. The nomination papers will be taken up for scrutiny at... (hours) on \_\_\_\_\_ (date) at \_\_\_\_\_ (place).

7. Notice of withdrawal of candidature may be delivered by a candidate, his proposer or election agent to the Returning Officer at his office before 3 p.m on .....

8. In the event of the election being contested the poll will take place on \_\_\_\_\_ between the hours ..... of ..... and

9. In the event of a poll, the counting of votes will commence on \_\_\_\_\_ (day) at \_\_\_\_\_ (Hours) at \_\_\_\_\_ (place).

Date. \_\_\_\_\_ Returning Officer.

Place. \_\_\_\_\_ Municipal Election..... ..

## FORM II

Nomination Paper.  
(See Clause 8 (1).)

Election to the Municipal Board Council.

(To be filled by the proposer and seconder)

I hereby nominate Shri/Shrimati \_\_\_\_\_ as a candidate for election as a member of the Municipal Board/Council from \_\_\_\_\_ Ward.

1. Full name of the proposer.
2. Electoral roll number of the proposer.
3. Full name of the Secunder.
4. Electoral roll number of the Secunder.
5. Name of candidate's father/husband.

6. Sex of the candidate.
7. Full postal address of candidate.
8. Electoral roll number of candidate.

Date.

Signature of proposer.

Place.

I hereby second the above nomination.

Date.

Signature of the seconder.

Place.

(To be filled by the Candidate.)

I, the above mentioned candidate assent to this nomination and hereby declare that :—

- (a) I am qualified to be a member of the said Municipal Board/Council under the provisions of the Rajasthan Municipalities Act, 1959 and
- (b) I am not subject to any of the disqualifications specified in sections 26, 59 and 64 of the said Act.
- (c) I have chosen the symbols in the following order of preference—

(i)

(ii)

(iii)

and

Date

Signature of the candidate.

(Further declaration to be made by a scheduled caste or a scheduled tribe candidate):

I hereby declare that I am a member of the caste/tribe which has been declared to be a scheduled caste or scheduled tribe in the State.

Date.

Signature of Candidate.

(To be filled by the Returning Officer).

S. No. of the nomination paper

This nomination paper was delivered to me at my office on

.... at..... (hours)

on

(date)

by the candidate/proposer/seconder.

Date

Returning Officer.

Decision of the Returning Officer accepting or rejecting the nomination paper.

I have examined this nomination in accordance with the provisions of this Order and decide as follows:—

.....  
 .....

Date.

Returning Officer.

Receipt for nomination paper and notice of Scrutiny.

(To be handed over to the persons presenting the nomination paper).

S. No. of nomination paper.

The nomination paper of..... a candidate for election from ward.....of the Municipal Board/Council was delivered to me at my office at.... (hour) on.....(date) by the candidate/proposer/secondar. All nomination papers will be taken up for scrutiny at (hours) on

(date) at

(place).

Date.

Signature of the Returning Officer.

Place.

Election to the.....Municipal Board/Council.

### FORM III

(See clause 11)

Election to the Municipal Board/Council .....

Notice is hereby given that the following nominations in respect of the above elections have been received :

( To be filled wardwise )

S.No.	Ward for which nominated.	Name of candidate.	Sex.	Name of candidate's father or husband.	Address.
1	2	3	4	5	6
Electoral Roll No. of the candidate.		Particulars of the caste or tribe for the candidate belonging to the Scheduled castes or the Scheduled tribes.			Name of the proposer.
7			8		9
Electoral Roll No. of the proposer.		Name of the secondar.	Electoral Roll No. of the secondar.		Remarks.
10		11	12		13
Place		Returning Officer.			
Date		.....			

### FORM IV

(See clause 13 (I))

clause 16 (1)

List of \*validly nominated candidates

(Before withdrawal/After withdrawal)

Election to the.... Municipal Board/Council

S.No.	Ward for which validly nominated.	Name of the candidate.	Sex.	Name of father/husband.	Address of the candidate.
1	2	3	4	5	6
Particulars of the caste or tribe for candidates belonging to the Scheduled Castes or the Scheduled Tribes.			Distinctive Symbol allotted.		Remarks.
7			8		9

\*Strike whichever is not applicable.

Place

Date

Returning Officer.

## FORM V

Notice of withdrawal

(See clause 15 (1) )

Election to the..... Municipal Board/Council

To

The Returning Officer

I ..... a candidate nominated at the above election do hereby give notice that I withdraw my candidature.

Place.

Signature of Candidate

Date.

(For use by the Returning Officer)

The notice was delivered to me

at ..... (hours) on ..... (date) by ..... (Name) the\* .....

Date.

Returning Officer.

Receipt for notice of withdrawal

(To be handed over to the person delivering the Notice)

The notice of withdrawal of candidature by.....a candidate at the election to ward No ...was delivered to me by ....(Name of persons delivering) at my Office at . ... (hours) on.....(date)

Date

Returning Officer

Place

Election to .. Municipal Board/Council.

\*Here insert one of the following alternatives as may be appropriate:—

1. Candidate.
2. Candidate's proposer who has been authorised in writing by the candidate to deliver it.
3. Candidate's election agent who has been authorised by the candidate to deliver it.

## FORM VI

Appointment of Election Agent.

(See clause 18 (2) )

Election to.....Municipal Board/Council

To

The Returning Officer.

I..... of.....a candidate at the above election from ward ..... do hereby appoint.....of ..... as my election agent from this day at the above election.

Place

Signature of candidate.

Date

I accept the above appointment.

Place

Signature of Election Agent.

Date

## FORM No. VII

Appointment of polling Agent.

(See clause 21 (2) )

Election to the.....Municipal Board/Council.

I.....a candidate/the election agent of..... who is a candidate at the above election do hereby appoint.....

o.....as a polling agent to attend polling station No.....  
 place fixed for the poll.....at.....

Place Signature of candidate/Election Agent.

Date

I agree to act as such Polling Agent.

Place

Signature of the Polling Agent.

Date

Declaration of Polling Agent to be  
 signed before Presiding Officer.

I hereby declare that at the above election will not do anything  
 forbidden by section 128 of the Representation of the People Act,  
 1951 which I have read/has been read over to me.

Date

Signature of Polling Agent.

Signed before me

Date

Presiding Officer.

### FORM No. VIII

Appointment of counting agent  
 (See clause 22 (2) )

Election to the..... Municipal Board/Council

The Returning Officer

I, .....a candidate/the election agent of.....  
 who is a candidate at the above election, do hereby appoint.....  
 (Name) ..... of..... (Address) as my counting agent, to  
 attend to the counting of votes at.....

Signature of candidate/election Agent.

I agree to act as such counting agent.

Place

Signature of Counting Agent.

Date

Declaration of Counting Agent

(To be signed before the Returning Officer)

I hereby declare that at the above election I will not do any-  
 thing forbidden by section 128 of the Representation of the People  
 Act, 1951, which I have read/has been read over to me.

Date... ..

Signature of Counting Agent.

Signed before me

Date.....

Returning Officer.

### FORM IX

(Vide clause 32)

Ballot paper

Seal of  
 Returning  
 officer

.....Municipal Board/Council.

Counterfoil

Outerfoil

Serial No.

(Front)

	S.No.	Name of	Candidates'	For mark (x)
		candidate	symbol	by voted
	1	2	3	4
1. Ward No.	1...	...	...	...
2. Voter's Number on the electoral roll.	2...	...	...	...
	3...	...	...	...
3. Voter's signature or thumb impression.	4...	...	...	...

(Back of outerfoil)

Please read this carefully before recording your vote (s).

(i) The No. of members to be elected is : .

General .. .. .

Reserved .. .. .

(ii) Place a cross mark (x) against the name or names of candidate or candidates for whom you wish to vote.

(iii) The mark should be placed against not more than ..... name/names.

## FORM X

## Tendered Votes List

(See clause 41)

Election to ..... Municipal Board/Council.

Polling Station.....

Name or No. of ward	Name of elector.	Number in Electoral Roll.	Signature of voter if literate or thumb impression if illiterate, with his address.
1	2	3	4

Place,  
Date.

Signature of the Presiding Officer.

## FORM XI

## Challenged Votes

(See clause 42 (1) )

Election to the.....Municipal Board/Council.

Ward.....Polling Station.....

## Form of Declaration

I ..... hereby declare and undertake to prove that the person described below has by applying for a ballot paper at this polling station, committed the offence of personation.

Name

Address

Signature or thumb  
impression.Signature of the candidate or his  
election/polling agent.

Witness

1.

Name and Address

2.

Name and Address

Before me

Date

Signature of the Presiding Officer.

**FORM XII****List of challenged Votes**

(See clause 42 (2) )

Election to the.....Municipal Board/Council

.....Ward

Polling Station ....

S.No. of entry.	Name of elector.	Serial number of the Electoral Roll.	Signature or Thumb impression of the person challenged.	Name of identifier, if any.
1	2	3	4	5

Name of the challenger.	Order of the Presiding Officer	Signature of the challenger on receiving refund of deposit.	Remarks.
6	7	8	9

Place  
DateSignature of the Presiding  
Officer.**FORM XIII**

(See clause 45 (1) )

**Certificate to vote outside polling area.**

Certified that.....entitled to vote .....for.....  
ward.....has been employed in connection with the election  
for..... ward and author is prevented from voting at the said  
station and that I have therefore authorised him to vote at.....

Station

Signature of the Returning Officer.

Date

Election to the-----Municipal

Board/Council.

**FORM XIV**

(See clause 46 (5) (a) )

**Declaration by Elector.**

Election to the.....from the.....ward

(This side is to be used only when the elector signs the declaration himself.)

I hereby declare that I am the elector to whom the postal ballot paper bearing serial number ..... has been issued at the above election.

Date

Signature of elector.  
Address.

Attestation of signature.

The above has been signed in my presence by.....  
(elector) who is personally known to me/has been identified to my  
satisfaction by.....(identifier) who is personally known  
to me.

Signature of Identifier, if any .....

Address.

Signature of Attesting Officer.

Designation .....

Address.....

Date.....

(This side is to be used when the elector cannot sign himself.)

I hereby declare that I am the elector to whom the postal ballot  
paper bearing serial number...has been issued at the above election.

Signature of Attesting Officer on behalf of  
elector.

Address of elector .....

### CERTIFICATE

I hereby certify that—

- (1) the above named elector is personally known to me/has  
been identified to my satisfaction by..... (identifier)  
who is personally known to me.
- (2) I am satisfied that the elector is illiterate suffers from....  
(infirmary) and is unable to record his vote himself or  
sign his declaration;
- (3) I was requested by him to mark the ballot paper and to  
sign the above declaration on his behalf and
- (4) the ballot paper was marked and the declaration signed by  
me on his behalf, in his presence and in accordance with  
his wishes.

Signature of the identifier, if any .....

Address.....

Signature of the Attesting Officer,

Designation.....

Address.....

Date .....

### FORM XV

(See clause 46 (5) (b))

### COVER

Not to be opened before counting  
ELECTION.

To the.....

POSTAL BALLOT PAPER

Serial number of ballot paper .....

Appropriate particulars of the election to be inserted here.

FORM XVI  
(See Clause 46 (5) (a).  
COVER

Not to be opened before Counting

Election-Immediate  
Postal Ballot Paper

The Returning Officer.

FORM XVII

(See clause 46 (5) (d)

Instructions for the Guidance of Electors

Election to the .. from the... ward.

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote (s) in accordance with the directions given in Part I below and then follow the instructions detailed in Part II

Part—I Directions to electors.

- (a) The number of members to be elected is.....
- (b) You have..... (vote) (s).
- (c) You must not vote for more than.....candidates.  
If you do, your ballot paper will be rejected.
- (d) Record each vote by placing clearly a mark (x) in column 4 of the ballot paper opposite the name of the candidate to whom you wish to give that vote and near his symbol.
- (e) The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.
- (f) Your vote is secret. You must not put your signature on the ballot paper or make any other mark on it which will reveal your identity. If you do, your ballot paper will be rejected.

Part—II instructions for electors.

- (a) After you have recorded your vote (s) on the ballot paper place the ballot paper the smaller cover marked 'A' sent herewith. Close the cover and secure it by seal or otherwise.
- (b) You have then to sign the declaration in Form XIV, also sent herewith, in the presence of an officer competent

to attest your signature. Such officer must be a gazetted officers or officer-in-charge of the Jail where you are detained. Take the declaration to any such officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

- (c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illiteracy, blindness or other infirmity, you are entitled to have you vote (s) marked an the declaration signed on your behalf by any officer mentioned in item (b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.
- (d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c) place the declaration in Form XIV as also the smaller cover marked 'A' containing the ballot paper, in the larger cover marked 'B'. After closing the larger cover send it to the Returning Officer by registered post or by messenger.
- (e) You must ensure that the cover reaches the Returning Officer before 5 p.m. on the ..... (date)
- (f) Please note that-
  - (i) If you fail to get your declaration attested or certified in the manner indicated, your ballot paper will be rejected and
  - (ii) If the cover reaches the Returning Officer after 5 p.m. on the.....(date) your vote will not be counted.

### FORM No. XVIII

(See clause 51)

Election to .....from the.... ....ward  
Polling Station.....

	Ordinary ballot papers.	Tendered ballot papers.
--	----------------------------	----------------------------

1. S. Nos. of ballot papers received for use at the polling station.
2. Serial numbers of unused ballot papers left over at the close of the poll.
3. Total No. of ballot papers received vide item No. 1.

4. Total No. of ballot papers left unused vide item 2.
5. No. of ballot papers used (subtract item 4 from 3).
6. No. of ballot papers cancelled, spoilt or returned.
7. No. of ballot papers dealt with under rule 45.
8. Total No. of ballot papers which should be in ballot box.

Date  
Place

Signature of the Presiding  
Officer.

### FORM XIX

(See clause 56)

Return showing the results of election for seats from ward  
of the Municipal Board/Council ..... Date of election .....

S. No. or No. of ward.	Name of the candidate.	No. of valid votes.	No. of invalid votes.	Remarks
1	2	3	4	5

I hereby declare that the following candidates have been duly  
elected for the ward mentioned against each as members of the  
Municipal Board/Council :—

S. No.	Name of candidate	No. of ward	Whether from general or reserved seat.
Place	Signature of the Returning Officer.		
Date			

By Order of the Governor,  
R. K. CHATURVEDI,  
Secretary to the Government.

# Rajasthan Municipalities Election Order, 1960

*Notification No. F. 5 (2) M/Elec./IIA/CL I/63/4253.*—In exercise of the powers conferred by section 297 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), read with section 29 thereof, the State Government hereby makes the following amendments in the Rajasthan Municipalities Election Order, 1960 First published in Rajasthan Rajpatra, Part IV C, Extraordinary, dated the 5th day of February, 1960), namely:—

1. This Order may be called the Rajasthan Municipalities Election (First Amendment) Order, 1963.

2. In part (a) of sub-clause (12) of clause 12 of the Rajasthan Municipalities Election Order, 1960, hereinafter referred to as the principal Order, omit the comma and figure, '9'.

3. In clause 29 of the principal Order, after the words "the electors entitled to vote at the station", the comma and the words, "instrument for stamping the distinguishing mark on ballot papers and articles necessary for electors to mark the ballot papers", shall be inserted.

4. For clause 32 of the principal Order, the following clause shall be substituted, namely:—

"32 *Form of ballot paper.*—(1) Every ballot paper shall be in such form as the State Government may direct and the particulars therein shall be in Hindi written in Devnagri script.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their parentage, occupation or residence or in some other manner :

Provided that the names of the candidates declared by Returning Officer to be elected under the provisions of clauses 23 and 24 shall not be entered in the ballot paper :

Provided further that the ballot paper shall indicate the names of candidates belonging to the Scheduled Castes or the Scheduled Tribes when contesting from a reserved seat."

5. In clause 37 of the principal Order, for sub-clause (2), the following sub clauses shall be substituted, namely:—

"(2) Every ballot paper shall, before issue to an elector, be stamped with such distinguishing mark as the Government may direct.

(3) At the time of issue of ballot paper to an elector, the polling officer shall record the serial number thereof against the entry relating to the elector in the copy of the electoral roll set apart for the purpose.

(4) Save as provided in sub-clause (3), no person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors."

6. In clause 38 of the principal Order, in sub-clause (2), for the words "there make a mark (X) on the ballot paper against the name or names of the candidate or candidates for whom he wants to vote", the words "there make a mark on the ballot paper with an instrument supplied for the purpose on or near the symbol or symbols of the candidate or candidates for whom he intends to vote" shall be substituted.

7. For clause 41 of the principal Order, the following clause shall be substituted, namely:—

"41. *Tendered votes.*—(1) If a person representing himself to be particular elector applies for a ballot paper after any other person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this clause, to mark a ballot paper hereinafter in this Order referred to as a "tendered ballot paper") in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form X.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling station, or where the polling station, has more than one booth, at such booth, except that it shall be—

- (a) serially the last in the bundle of the ballot papers issued for use at the polling station, or the polling booth, as the case may be; and
- (b) endorsed on the back with the words "tendered ballot paper" by the Presiding Officer, in his own hand and signed by him.

(4) The elector, after making a tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose."

8. For clause 45 of the principal Order, the following clause shall be substituted, namely:—

*“45. Special procedure for voting for certain classes of persons —*(1) A voter on election duty who wishes to vote at an election at a polling station at which he is not entitled to vote, may, send an application in Form XIIA to the Returning Officer so as to reach him at least seven days, or such shorter period as the returning Officer may allow, before the date of poll, for a certificate entitling him to record his vote at the polling station where he is employed.

(2) The Returning Officer shall, on being satisfied that the applicant is a voter on election duty, issue to him certificate in Form XIII.

(3) The returning Officer shall, at the same time, send to the Presiding Officer of the polling station at which such voter is employed on election duty, a copy of the aforesaid certificate together with a ballot paper endorsed on the back with the words “duty ballot paper”; hereinafter referred to as a “duty ballot paper” of the concerned polling station at which he is entitled to vote after entering its serial number in the electoral roll of that polling station to be supplied to the Presiding Officer thereof.

(4) The Presiding Officer of the polling station at which such voter is on election duty shall, on production of the original certificate, allow such person to record his vote on the “duty ballot paper” like other electors. If the Presiding Officer is himself such voter he shall record his vote in the like manner.

(5) After such voter on election duty has recorded his vote, the Presiding Officer shall place the marked “Duty ballot paper” in the cover and secure it by seal and deliver the same to the Returning Officer, along with other packets specified in clause 50, so as to reach him before commencement of the counting of votes of such polling station.

(6) Each cover shall bear the number of ballot paper, the name of the polling station and the number of ward where such applicant was entitled to vote”

*Explanation.*—For the purposes of this clause “voter on election duty” means any Polling Agent any Polling Officer, Presiding Officer, or other Public servant, who is an elector in the Ward and is by reason of his being on election duty unable to vote at the Polling station where he is entitled to vote.

9. In clause 50 of the principal Order, in sub clause (2), part (ii) shall be deleted.

10. For clause 53 of the principal Order, the following clause shall be substituted, namely.—

**"53. Rejection of ballot paper—**(1) A ballot paper shall be rejected—

- (a) if it bears any mark or writing by which the elector can be identified, or
- (b) if no vote is recorded thereon, or
- (c) if there are marks against the names of more candidates than there are vacancies to be filled, or
- (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate or candidates the elector intended to vote, or
- (e) if it is a spurious ballot paper, or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established, or
- (g) if it bears a serial number, or is of a design, different from the serial numbers or, as the case may be, design of the ballot papers, authorised for use at the particular polling station, or where the polling station has more than one booth, at such booths, or
- (k) if it does not bear the mark which it should have borne under the provisions of sub-clause (2) of clause 37 :

Provided that where the Returning Officer is satisfied that any such defect as is mentioned in parts (g) and (h) has been caused by any mistake or failure on the part of a Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect :

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(2) Before rejecting any ballot paper under sub-clause (1) the Returning Officer shall allow each Counting Agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(3) The Returning Officer shall record on every ballot paper which he rejects the letter "R" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(4) All ballot papers rejected under this clause shall be bundled together.

(5) The decision of the Returning Officer as to the validity of a ballot paper shall be final subject only to reversal on an election petition."

11. In clause 59 of the principal Order, in sub-clause (2), the words "and all the counterfoils thereof" shall be deleted.

12. Form IX shall be omitted.

13. After Form XII appended to the principal Order, the following new form shall be added, namely :—

"Form XII-A.

Application to Returning Officer.—(See clause 46).

To

The Returning Officer,

..... Municipality.

Sir,

I have been employed on election duty in connection with the ensuing election to the above Municipality. I am entitled to vote at.... ..Polling Station in Ward ..... My name has been included in the Electoral Roll of Ward No ..... .. at serial No ... ..

It is requested that a certificate in Form XIII may kindly be issued to me, and my ballot paper be sent to the Presiding Officer of the Polling Station whereat I am to be employed.

Yours faithfully,

Signature of the applicant.

Fathers/Husband's name .... ..

Full postal address .. .....<sup>1</sup>

Place..... ..

Date .....

[Rajasthan Gazette-Extraordinary-Part IV (Ga)-dated 9-12-63 Page 1143]

*Notifications under*

**RAJSTHAN MUNICIPALITIES ELECTION ORDER, 1960.**

*Published in Raj. Raj-patra part IV (c) dated March 21, 1960 at page 1165*

Local Self-Government Department

**NOTIFICATION**

Jaipur, March 17, 1960.

*No. P. 4 (34) LSG/A/59.*—In pursuance of Sub-Clause (1) of Clause 9 of the Rajasthan Municipal Election Order, 1960 the State Government hereby publishes the following list of Symbols, namely:—

**List of Symbols**

- |               |                     |
|---------------|---------------------|
| 1. Elephant.  | 18. Motor Car.      |
| 2. Bullock.   | 19. Dog.            |
| 3. Sword.     | 20. Ship.           |
| 4. Cart.      | 21. Plough.         |
| 5. Scales.    | 22. Lota.           |
| 6. Hand.      | 23. Chakki.         |
| 7. Tree.      | 24. Railway Enginl. |
| 8. Horse.     | 25. Watch.          |
| 9. Snake.     | 26. Bell.           |
| 10. Bird.     | 27. Soissors.       |
| 11. Fish.     | 28. Sicklè.         |
| 12. Bioycle.  | 29. Camel.          |
| 13. Man.      | 30. Axe.            |
| 14. Moon.     | 31. Aeroplane.      |
| 15. Sun.      | 32. Deer.           |
| 16. Tiger.    | 33. House.          |
| 17. Umbrella. | 34. Wheel.          |

By Order of the Governor,  
**KESHAV PURI,**  
Deputy Secretary to the Government.

# ORDER UNDER SECTION 301 OF THE RAJASTHAN MUNICIPALITIES ACT, 1959.

With the Coming in to force of the Rajasthan Municipalities Act, 1959, the laws and enactments specified in the First Schedule of the Act have been repealed in accordance with section 2 of the Act. The Rajasthan Town Municipalities Act, 1959 and different laws of the covenanting States in respect of municipalities are included in the Schedule of repealed enactments. As the enforcement of the New Act was likely to create difficulties during the transitory period, the legislature thought fit to authorise the State Government under section 301 of the Act to make order for transitory provisions. Section 301 of the Act reads as under:—

301. *Transitory Provision*—For the purpose of facilitating the transition from the provisions of the laws repealed by section 2 to those of this Act, the State Government may, by order published in the official Gazette,—

(a) direct that this Act shall, during such limited period as may be specified in the order, have effect subject to such adaptations, alterations and modifications as may be so specified;

(b) give such directions as appear to it to be necessary for the removal of any difficulty that may arise in enforcing this Act; and

(c) make such other temporary provisions for the purpose aforesaid as may be specified in the order:

Provided that the State Government shall not exercise the powers conferred by this section after the constitution of the first board under this Act.

The State Government have, therefore, issued following Orders in exercise of the aforesaid section 301 of the Act:—

1. Rajasthan Municipalities (Transitory Provisions) Order, 1959 (Order No. I of 1959).

2. Rajasthan Municipalities (Transitory Provisions) Second Order, 1959. (Order No. II of 1959).

3. Rajasthan Municipalities (Transitory Provisions) Order, 1959 (Order No. III of 1959)

4. Rajasthan Municipalities (Removal of Difficulties) Order, 1960. (Order No. I of 1960)

5. Rajasthan Municipalities (Transitory Provisions) Order, 1960. (Order No. 2 of 1960).

6. Rajasthan Municipalities (Transitory Provisions) Order, 1960. (Order No. 3 of 1960)

7. Rajasthan Municipalities (Modifications) Order, 1960.

8. Rajasthan Municipalities (Modifications) Order, 1960. (Order No. V of 1960).

# Rajasthan Municipalities (Transitory Provisions) Order, 1959.

Local Self-Government Department

## ORDER

Jaipur, October 19, 1959.

In exercise of the power conferred by section 301 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the Government of the State Rajasthan is pleased to make the following Order, namely:—

(Order No. 1 of 1959.)

1. (1) This Order may be called the Rajasthan Municipalities (Transitory Provisions) Order, 1959.

(2) It shall come into force at once.

2. In this Order, unless the subject or context otherwise requires—

(1) "Act" means the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), and

(2) "Appointed date" means the date appointed under subsection (3) of section 1 of the Act for the coming into force thereof.

3. As from the appointed date—

(a) the Municipalities of Ajmer, Alwar, Beawar, Bikaner, Jaipur, Jodhpur, Kota and Udaipur shall be deemed to be cities for the purposes of the Act,

(b) the Municipal Boards or other Municipal authorities established in such cities under any of the laws or enactments repealed by section 2 of the Act shall be deemed to have been established and to be designated as Municipal Councils,

(c) the Chairmen, Vice-Chairmen and members of the said Municipal Boards or Municipal authorities shall be deemed to be designated respectively as Presidents, Vice-Presidents and Councillors of the said Municipal Councils,

(d) the Executive Officer [or Secretary] for such Boards or authorities shall be deemed to be designated as Commissioners for the Municipal Councils so designated, and

### Notes.

Words, "Or Secretary" appearing in brackets have been inserted vide amending Notification No. F. 4 (34) LSG/A/59, dated May 17, 1960, published in Rajasthan-Rajpatra Part VI (A), dated 7/7/60.

(e) all other obligatory requirements under the Act for the establishment of Municipal Councils in such cities shall be deemed to have been duly fulfilled.

4. (1) Notwithstanding anything contained in section 9 and 10 of the Act, all Municipal Boards or other municipal authorities as constituted and existing on the appointed date shall, till the expiry of their term of office in accordance with law, be deemed to have been properly established and constituted for the purposes of the Act and the Municipal Government of the Municipalities for which they had been so established and constituted shall continue to vest in such Boards or authorities.

*Notes.*

Section 9 and 10 of the Act prescribe the procedure for the composition of boards under the new Act of 1959.

(2) In a Municipality in which no properly constituted Municipal Board or other Municipal authority is in existence on the appointed date and the Municipal Government thereof has been entrusted to and is being carried on by an Administrator in accordance with law, such Administrator shall continue to carry out the provisions of the Act until a Municipal Board or a Municipal Council, as the case may be, is properly constituted for such Municipality in accordance with the provisions of the Act, [anything to the contrary contained in such provisions notwithstanding].

*Notes.*

Words, "anything to the contrary contain in such provisions notwithstanding," appearing in brackets have been newly added vide amending Notification No. F. 1. (c) (9) L.S.G./54. B. dated 6/3/60, published in Rajasthan Raj-patra, part VI (A) dated 21/4/60.

By Order,  
R. K. CHATURVEDY,  
Secretary to the Government.

# Rajasthan Municipalities (Transitory Provisions)

## Second Order, 1959.

Local Self-Government Department

### NOTIFICATION

Jaipur, October 17, 1959.

No. F. 4 (34)L.S.G./A/59.—In exercise of the power conferred by section 301 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the Government of the State of Rajasthan is hereby pleased to make the following Order, namely:—

(Order No. II of 1959).

1. This order may be called the Rajasthan Municipalities (Transitory Provisions) Second Order, 1959.

2. In this Order unless the subject or context otherwise requires:—

(a) "Act" means the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959),

(b) "appointed date" means the date appointed under sub-section (3) of section 1 of the Act for the coming into force thereof.

(c) "Municipal authority" means a Municipal Board, Corporation, Council or any other Municipal authority, by whatever name designated, established under any repealed law or required to be established under the Act, and

(d) "repealed law" means any of the laws and enactments repealed by section 2 of the Act.

3. In cases in which elections to a Municipal authority established under and governed by any repealed law have been held, but such municipal authority has not been completely formed or begun to function before the appointed date, then, notwithstanding anything to the contrary contained in the repealed law or in the Act—

(i) the number of members fixed for such Municipal authority under the repealed law shall be deemed to be the number of seats fixed by such authority under sub-section (1) of section 9 of the Act;

(ii) the elections to those seats held under the repealed law shall be deemed to have been held under and in accordance with the provisions of the Act;

(iii) where the number of members fixed under the repealed law for the municipal authority were expressed to be returned wholly by election, and the repealed law did not require any members to be nominated or co-opted, the persons elected as aforesaid shall enter upon their duties forthwith;

(iv) where any repealed law or an order thereunder fixing the number of members of a Municipal authority contained a provision for the nomination or co-option of some members, the number of seats to be filled up by nomination or co-option may be filled after the appointed date by co-option of one person belonging to the scheduled castes or the scheduled tribes and 2 persons belonging to the female sex if no such person has been returned by election or one such person if only one such person has been returned and the members elected as aforesaid shall forthwith enter upon their duties for the purpose of such co-option and "in case the total number of members after such co-option is greater or less than the number of members fixed for such municipal authority under the repealed law, such number shall be deemed to be increased or decreased accordingly, notwithstanding anything contained in sub-clause (1) of clause 3,"

#### Notes.

Sub-clause (iv) of clause 3 as appearing now has twice been amended vide Notifications No. F. 4. (34) LSG./A/59 dated 20/11/59 and Notification No. F. 4 (34) L.S.G./A/58 dated 26/5/60, published in Rajasthan Raj-patra Part IV (C) dated 20/11/59 and 27/5/60 respectively. Relevant portions of both the notifications is reproduced below:—

In the said Order—

(1) in sub-clause (iv) of clause 3, for the word "rules", occurring in the eleventh line, the word, "Order" shall be substituted,

(2) in sub-clause (iv) of clause 3, the following shall be added, namely:—

"in case the total number of members after such co-option is greater or less than the number of members fixed for such municipal authority under the repealed law, the number of seats fixed for that Board under clause (1) of sub-section (5) of section 9 of the Act shall be deemed to be increased or decreased accordingly, notwithstanding anything contained in sub clause (1) of clause 3;

In sub-clause (iv) of clause (3) of the said order (i) for the words "in accordance with order made under the Act" the words, figures and brackets "in accordance with the procedure laid down in the Rajasthan Municipalities (Appointment of members or Councillors by Co-option) Order, 1959" shall be substituted, and

(ii) for the words, figures and brackets "the number of seats fixed for that Board under clause (1) of sub-section (5) of section 9 of the Act" the words "such number" shall be substituted.

(v) in either of the cases covered by sub-clauses (iii) and (iv) of this clause, the provisions contained in sub-section (2), (3), (4) and (5) of section 9 of the Act shall, for the purpose of the complete formation of the Municipal authority concerned, be deemed to be omitted.

#### Notes.

Figure, "(4)" has been inserted between the brackets and figure "{3}" and the word "and" vide amending Notification dated 20/11/59.

Sub-section (2) of section 9 of the Act requires the State Government to fix number of general and reserved seats for the composition of the Board. sub-section (3) of section 9 provides the manner of fixing such number. Sub-section (4) of section 9 provides that general as well as reserved seats shall be fixed by election.

Sub-section (5) of section 9 provides for the appointment of female members and prescribes the manner of co-option for the same.

4. Notwithstanding anything contained in sub-section (4) of section 297 of the Act the first rules made under this Act by the State Government shall have the force of law immediately upon their publication in the official Gazette.

5. This order shall remain in force up to 31st March, 1960.

Notes

Clause 5 has been newly added vide amending notification dated 20/11/59.

By Order of the Governor,  
R. K. CHATURVEDI,  
Secretary to the Government.

# **Rajasthan Municipalities (Transitory Provisions) Order, 1959.**

Local Self-Government Department  
ORDER

Jaipur, December 30, 1959.

N. D-15087/F.5 (175) L.S.G./A/59.—In exercise of the powers conferred by section 301 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the Government of the state of Rajasthan is pleased to make the following Order, namely:—

(Order No. III of 1959).

1. (1) This order may be called the Rajasthan Municipalities (Transitory Provisions) Third Order, 1959.

(2) It shall come into force at once.

2. With respect to the Charge of the tax mentioned in clause (1) of section 104 of the Rajasthan Municipalities Act, 1959 (No. 38 of 1959), hereinafter referred to as the Act by the Municipal Council of Beawar for the quarter commencing on the 1st day of January, 1960, at the rate at which it was being levied immediately before the commencement of the Act, the Secretary, Municipal Council, Beawar, shall be deemed to be the "assessor" appointed for the purpose of sub-section (1) of section 119 of the Act, and, if he, as such, adopts for the first quarter of the year 1960 the valuation and assessment contained in the assessment list of the Beawar Municipality of the year 1959 with or without any alterations, the provisions of sections 116, 117, and 118 of the Act shall not apply to such adoption as required by sub-section (2) of section 119 of the Act.

By Order of the Governor,  
R. K. CHATURVEDY,  
Secretary to the Government.

# Rajasthan Municipalities (Removal of Difficulties) Order, 1960.

Local Self-Government Department  
NOTIFICATIONS

Jaipur, January 12, 1960.

No. F. 4 (39) LSG./A/59.—In exercise of the powers conferred by clause (b) of section 301 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following Order, namely:—

(Order No. I of 1960).

1. (1) This Order may be called the Rajasthan Municipalities (Removal of difficulties) Order, 1960.

(2) It shall come into force at once.

2 Notwithstanding anything contained in clause (22) of section 3 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the population of the Scheduled Castes and the Scheduled Tribes in a Municipality for the purpose of sub-section (3) of section 9 of the Act shall be such population of the said castes and tribes in that Municipality, as is certified by the Director of Local Bodies, Rajasthan, Jaipur.

Notes.

Clause (22) of section 3 of the Rajasthan Municipalities Act, 1959 defines "population" as under:—

(22) 'population', used with reference to any local area, means the population according to the returns of the most recent Government census for the time being;

Sub-section (3) of section 9 of the Act requires the fixation of members of reserved and general seats on the basis of population. This Clause makes an exception regarding definition of population for the purposes of sub-section (3) of section 9 of the Act.

# Rajasthan Municipalities [Transitory Provisions] Order, 1960.

Local Self-Government Department

ORDER

Jaipur January 22, 1960.

No- F. 5 (200) LSG./A/59.—In exercise of the powers conferred by section 301 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following order, namely:—

(Order No. 2 of 1960.)

1. (1) This order may be called the Rajasthan Municipalities (Transitory Provisions) Order, 1960.

(2) It shall come into force at once.

2. For the purpose of facilitating the transition from the provisions of the laws repealed by section 2 of the Rajasthan Municipalities Act, 1959, to the provision of the said Act, the State Government hereby directs that the aforesaid Act shall have effect subject to the following modifications, namely:—

In clause (viii) of section 26 of the said Act, the words 'or part-time' shall be deemed to be omitted till the constitution of the first Municipal Board or Municipal Council as the case may be under the said Act.

## Notes.

Clause (viii) of section 26 of the Rajasthan Municipalities Act, 1959 provides that a person who holds a salaried or part time appointment under the Central or State Government or a local authority is disqualified for being chosen as, and for being, a member of a municipal board.

By Order of the Governor,  
SURENDRA SINGH,  
Secretary to the Government.

# Rajasthan Municipalities (Transitory Provisions) Order, 1960.

Local Self-Government Department  
NOTIFICATIONS

Jaipur, May 26, 1960.

No. F. 4 (34)LSG./A/59.—In exercise of the powers conferred by section 301 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following order, namely:—

(ORDER No. 3 of 1960).

1. (1) *This order may be called the Rajasthan Municipalities (Transitory Provisions) Order, 1960.*

(2) It shall come into force upon its publication in the Official Gazette and shall remain in force for a period of one year from such date.

2. In this order, unless the subject or context otherwise requires, the expression "the Act" means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959).

3. For the purpose of facilitating the constitution of the first Municipal Boards and the first Municipal Councils in accordance with the provisions of the Act, it is hereby directed that the Act shall have effect subject to the following modifications, namely:—

In the proviso to sub section (1) of section 11 of the Act, for the words "one year" the words "two years", the expiry of the term of any board or council notwithstanding shall be substituted.

## Notes

Section 11 of the Act reads as under:—(1) Except as provided in section 295, every board shall continue for three years from the date of the first meeting thereof:

Provided that the State Government may, by order published in the official Gazette, extend the term of a board from time to time so however that the total extension does not in the aggregate exceed one year.

(2) Notwithstanding anything contained in sub-section (1) the term of the members of an outgoing board shall be deemed to extend to and expire with the day immediately preceding the date of the first meeting of the newly constituted board.

RAJ. MUNICIPALITIES (TRANSITORY PROVISIONS)  
ORDER, 1960

Local Self-Government Department  
NOTIFICATIONS

Jaipur, January 19, 1963

*No. F. 5 (176)LSG/A/59 I.*—In exercise of the powers conferred by Section 301 of the Rajasthan Municipalities Act, 1959 (Act 38 of 1959), the State Government hereby makes the following further amendment in the Rajasthan Municipalities (Transitory Provisions) Order, 1960 made under this department Notification No. D. 13666/59/F. 5 (176)LSG/A/59 dated the 2nd January, 1961, namely:—

AMENDMENT

In clause 4 of the aforesaid order, for the words ‘two year’s the words “three years” shall be substituted.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 19-1-63 at Page 667 ]

Jaipur, January 19, 1963.

*No. F. (176)LSG/A/59II.*—In exercise of the powers conferred by Section 301 of the Rajasthan Municipalities Act, 1959 (Act 38 of 1959), the State Government hereby makes the following further amendment in the Rajasthan Municipalities (Transitory Provisions) Order, 1962 made under this Department Notification No. F. 5 (176) LSG/A/59 dated the 7th February, 1962, namely:—

AMENDMENT.

In clause 4 of the aforesaid Order, for the words “one year” the words “two years” shall be substituted.

By Order of the Governor

B. L. MEHTA,

Dy. Secretary to the Government.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 16-1-63 at Page 667 ]

# Rajasthan Municipalities (Land and Building Tax) Rules, 1961.

Local Self-Government Department

## NOTIFICATION

Jaipur, April 26, 1961.

*No. F. 8 (89) LSG/60.*—In exercise of the powers conferred by section 237 read with section 104 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the State Government hereby makes the following rules, namely:—

1. *Short title.*—These rules may be called the Rajasthan Municipalities (Land and Buildings tax) Rules, 1961.

2. These Rules shall come into force after one month from the date of their publication in the Official gazette.

3. *Definitions.*—In these rules, unless the subject or context otherwise requires—

- (i) "Act" means the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959);
- (ii) "Agent" means any person, who acts under proper authority for an owner or occupier of any building or land;
- (iii) "Assessor" means an assessor appointed under section 114;
- (iv) "Form" means a form appended to these rules.
- (v) "Revising authority" means any authority or Officer referred to in sub-section (2) of section 117 to whom objections under sub-section (1) of that section may be made;
- (vi) "Section" means a section of the Act; and
- (vii) "Tax" means the tax mentioned in clause (1) of section 104.

4. *Imposition of tax.*—(1) Subject to the provisions of section 104 and 107 and of any orders made or notifications issued by the State Government under either of those sections, the tax shall be leviable in a Municipality at the rate and from the date specified in the Notification issued under section 104 by the State Government in respect of such municipality.

(2) The date so specified shall be the first day of January, April, July or October of a year.

(3) A copy of the notification referred to in sub-rule (1) shall as soon as may be after the issue of the said notification, be affixed on the notice board of the Municipal office, and the contents thereof shall be proclaimed in the municipality by beat of drum.

(4) The tax shall, subject to the provision contained in sub-rule (5), be leviable by the financial year.

(5) If the notification under section 104 specifies for the commencement of the levy of the tax any date other than the first day of April in a year, the tax shall, till the first day of April next following, be leviable by the quarter.

5. *Preparation of assessment list.*—(1) An assessment list for the purpose of levying the tax shall be prepared ward-wise in Form 1.

(2) In assessing the amount of the tax payable in respect of any land or building, a sum equal to ten per cent of its annual letting value shall be deducted from such value by way of allowance for repairs and maintenance, insurance, sinking fund etc.

(3) For the purpose of determining the annual letting value of any land or building and assessing the amount of tax thereof, the assessor may—

(a) enter upon or into, inspect and measure any building or land, and

(b) if necessary, make inquiries from the people living in neighbourhood and examine the previous record of the municipality or other local authority in relation to such building or land.

(4) When the name of the person primarily liable, for the payment of the tax cannot be ascertained, it shall be sufficient to designate him in the assessment list and in any notice which it may be necessary to serve upon him as the holder of the building or land, without any further description.

(5) Where any building or land liable as a whole to the payment of the tax is composed of separate tenements, the assessor may, upon the request of the owner of any such tenement, determine the annual letting value of each such tenement separately and assess the amount of tax payable in respect thereof;

Provided that the valuation of the entire building or land shall be the building factor in determining the liability to the payment of the tax.

6. *Statement of new building etc.*—Every tax inspector, or where there is no tax inspector, every sanitary inspector, or any other officer authorised by the Board shall submit to the assessor half-yearly statements showing buildings within his circle which have been newly constructed or re-constructed or enlarged and the assessor shall upon receipt of such statement or upon receipt of notice under section 120 proceed to assess or re-assess the annual letting value of the building and the amount of tax payable in respect thereof.

7. *Revision of assessment.*—(1) The public notice required to be given under section 116 shall be in Form II.

(2) The book to be kept by the assessor under sub-section (3) of section 117 shall be in Form III.

(3) The public notice required to be published under sub-section (6) of section 117 shall be in form IV.

(4) A public notice under sub-rule (1) of sub-rule (4) shall be served in the manner laid down in or under sub-section (3) of section 250.

8. *Form of notice under section 126.*—The notice required to be given to the Board under the proviso to sub-section (1) of section 126 shall be in Form V.

By Order of the Governor,  
S. D. UJWAL,  
Secretary to Government.

FORM I  
( See Rule 4 (1) )  
Assessment List.

.....Municipal Board/Council Distt.....  
Year.....

S.No.	Ward No.	Name of the Street or Mohalla in which the property is situated.	Designation of the property either by name or by number sufficient for identification.
1	2	3	4
Name and address of the owner.		Name and address of the occupier.	
5		6	
Name of tenant and amount of rent paid per (or if there is more than one tenant, amount of rent paid by each per annum)		Annual letting value of the building.	Amount of tax assessed
7		8	9
Decision of the revising authority		Result of appeal if any. Remarks	
Annual letting value.	Amount of tax assessed.	Annual letting value.	Amount of tax assessed.
10		11	12

FORM II.  
(See Rule 6 (1) ).  
Public Notice

.....Municipal Board/Council District . . . . .

Notice is hereby given that the assessment list of the tax on the annual value of buildings and lands situated within the Municipal limits of .....have been prepared and are open for inspection at the Municipal Office from.....Hrs. to.....Hrs. during any working day.

Assessor.

## FORM III

( See Rule 6 (2) )

Register of objections

.....Municipal Board/Councils

District.....

## Objections.

S.No.	Receipt No.	Date of receipt	Name of Owner and house No.	Amount of tax assessed
1	2	3	4	5

## Decision of the Revising Authority

Date	Annual letting value	Amount of tax assessed	Signature	Remarks
6	7	8	9	10

## FORM IV.

( See Rule 6 (3) )

Public Notice under section 17 (6) of the Rajasthan  
Municipalities Act, 1959.

.....Municipal Board/Council District.....

Notice is hereby given that the Assessment list of the tax on the annual letting value of buildings and lands situated within the Municipal limits of..... has been authenticated by the Revising Authority and deposited in the Municipal office and is open for inspection by the owners and occupiers of the properties or their agents at the Municipal office during office hours on all working days.

This day of.....19 .

Signature of the Chairman.

## FORM V.

( See Rule 7 ).

Notice under the proviso to sub-section (1) of section 126 of the Rajasthan Municipalities Act, 1959.

1. Date.
2. Number of House/Land.
3. Mohalla.
4. Name and address of owner/occupier.
5. Amount of tax assessed for the year.....Rs..... nP.
6. The above mentioned house/land shall remain/remained vacant any is/was unproductive of rent during... (date, month and year) to (Date, month and years).
7. The following position of the aforesaid house/land shall remained vacant and is/was/are/were unproductive of rent,

From....(date, month and year). to.....(Date, month and year).

House

Land.

Storey.

Rent.

Number of  
rooms.

Name and  
particulars of tenant/owner  
who vacated.

Lenth.....Yd.

Breadth.....Yd.

Area.....Sq.Yds.

Rank.....

Portion.

8. The following portion/whole of the house/land have been  
wholly or substantially demolished or destroyed otherwise deprived  
of value.

House

Land

Storey.

Rent

Number or rooms.

Lenth.....Yd.

Breadth.....Yd.

Area.....Sq.Yds.

Value

Dated:

Signature of the applicant.

Address.

RAJ. MUNICIPALITIES (LAND & BUILDING TAX)  
RULES, 1961

*Notification No. Tax/F. 101 (5) DLB/63.*—In exercise of the powers conferred by section 297 read with section 104 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959), the State Government hereby makes the following amendment in the Rajasthan Municipalities (Land and Building Tax) Rules, 1961, published in Part IV (C) of the Rajasthan Rajpatra dated 27th July, 1961:—

AMENDMENT

In the said Rules the following proviso shall be added to sub-rule (2) of Rule 4:—

“Provided that in case the annual letting value comes to Rs. 180/- or less by result of allowing the said deduction, no such deduction shall be allowed.”

[ Raj. Gaz. IV (Ga)—Dt. 5-12-63 Page 477 ]

## Rajasthan Municipalities (Modifications) Order, 1960.

Published in Rajasthan Raj-patra part iv (c) dated 15/7/60 superseded by clause 2 of the Rajasthan Municipalities (Modification) Order, 1960 (Order No. V of 1960).

# THE RAJASTHAN MUNICIPALITIES MODIFICATION ORDER, 1960

Local Self-Government Department  
NOTIFICATION

Jaipur, September 13, 1960.

No. F. 4 (34) LSG/59-Pt-II.—In exercise of the powers conferred by section 301 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the State Government hereby makes the following Order, namely:—

(Order No. V of 1960)

1. *Short title, commencement and duration.*—(1) This Order may be called the Rajasthan Municipalities (Modification) Order, 1960.

(2) It shall come into force upon its publication in the official Gazette.

(3) It shall remain in force for a period of three months.

2. *Supersession.*—The Rajasthan Municipalities (Modification) Order, 1960, issued under Notification No. F. 4 (34) LSG/59-Pt. II, dated the 14th July, 1960, published in the official Gazette Extraordinary, dated the 15th July, 1960, is hereby superseded.

## Notes.

Order No. V of 1960 has superseded the Order dated 14/7/60 which is reproduced below:—

The Rajasthan Municipalities (Modifications)

ORDER, 1960.

1. *Short title and commencement.*—(1) This Order may be called the Rajasthan Municipalities (Modifications) Order, 1960.

(2) It shall come into force at once.

2. *Modification of Rajasthan Act 38 of 1959.*—It is hereby directed that the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959) shall, during a period of six months from the date of commencement of this Order, have effect as if, in sub-section (2) of section 14 thereof, for the words "one month", the words "one week" were substituted.

3. *Modification of the Rajasthan Act 38 of 1959.*—It is hereby directed that during the period of operation of this Order, the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959) shall have effect, subject to the following modification, namely:—

## MODIFICATION

To sub-section (2) of section 14 of the said Act, the following proviso shall be added, namely:—

"Provided that the period of filing objections to the drafts of the orders published under this sub-section on or after the 15th day

2 ]      **Rajasthan Municipalities (Modification) Order, 1960**

of July, 1960, and before the commencement of the Rajasthan Municipalities (Modification) Order, 1960 (Order No. V of 1960), shall, notwithstanding anything in the said drafts, be one month from such commencement and no fresh publication thereof shall be necessary."

**Notes.**

sub-section (2) of Section 14 of the Act provides that:—

(2) The draft of the order under sub-Section (1) shall be published for filing objections thereto within a period of not less than one month and a copy of the same shall be sent to the board concerned for comments.

By Order of the Governor,  
A. K. ROY  
Secretary to the Government.

# THE RAJASTHAN MUNICIPALITIES PROVIDENT FUND RULES, 1960.

English Translation  
(Authorised by His Highness the Rajpramukh)  
Local Self Government Department

NOTIFICATION  
Jaipur, April 1, 1956.

No. F. 1 (n) (69)/LSG/53.—In exercise of the powers conferred by clause (c) of sub-section (2) of section 205 of the Rajasthan Town Municipalities Act, 1951 (Rajasthan Town Municipalities Act, No. XXIII of 1951), the Government of Rajasthan is hereby pleased to make the following rules namely.

By Order of  
His Highness the Rajpramukh,  
Z. S. JHALA.  
Secretary to the Government.

## Notes

Prior to coming into force of Rajasthan Municipalities Act, 1959, the law relating to town municipalities in Rajasthan was contained in the Rajasthan Town Municipalities Act, 1951. Clause (c) of sub-section (2) of section 205 of the Act required the State Government to make rules for the regulation of matters specified in clauses (b), (c), (e), (f), (g) and (h) of section 44 of the Act. Clause (g) of section 44 of that Act refers to, "the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules, to any pension or provident fund which may be established by the municipal board or, with the approval of the municipal board, by the said officers and servants."

The State Government, in exercise of these enabling provisions, framed the rules which were titled as, "The Rajasthan Town Municipalities Provident Fund Rules. These rules have now been adapted under, under the new Act i.e. Rajasthan Municipalities Act, 1959, by making following amendments in the Rules of 1955, namely—

- (i) Substitute "The Rajasthan Municipalities Provident Fund Rules, 1960" for "the Rajasthan Town Municipalities Provident Fund Rules, 1955" in the heading and body of the Rules.

Rule 2.—Substitute "Municipal Boards and Municipal Councils" in place "Boards" occurring in this Rule.

Rule 3.—Substitute the following for clause (a) of this rule,—

- (a) "Board" in the case of a city means the Municipal Council and in other cases means the Municipal Board established under the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959).

Add the following new sub-rule (c) to this Rule 3.

"(c) "Executive Officer" means (1) in the case of a Municipal Council, the Commissioner, (2) in the case of a Municipal Board, the Executive Officer."

Rule 4.—Omit the words and commas or which has not been classed as class IV.

These amendments in exercise of the powers conferred by section 297 clause (T) of 1959 Act have been made vide Local Self Government Department Notification No. L. 4 (77) LSG/A/57 dated October 6, 1960, published in Rajasthan Raj-patra dated 17/11/60 Part IV (c).

The amendments have been incorporated in the body of Rules of 1955. Clause (T) of section 297 of the new Act authorising framing of rules for this matter reads as under;—

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*Published in Raj. Raj-patra part IV (c) dated June 9, 1956 at page 181*

2 ]      Rajasthan Municipalities Provident Fund Rules, 1960.

“(f) for regulating the methods of recruitment, conditions of service, pay, allowances, leave, pension or provident fund, gratuity, discipline and conduct of executive officers or secretaries of boards; and”.

Clause (a) to rule 3, reading as under, has been substituted by the present clause (a)

(a) ‘Board means a Municipal Board established under the Rajasthan Town Municipalities Act, 1951 (Rajasthan Act XXIII of 1951);

1. *Short title*.—These rules may be called the Rajasthan Municipalities Provident Fund Rules, 1960.

2. *Commencement and Application*.—These rules shall come into force after one month from the date of their publication in the Rajasthan Gazette, and apply to all Municipal Boards and Municipal Councils.

3. *Definitions*.—In these rules, unless there is any thing repugnant in the subject or the context—

(a) “Board” in the case of a city means the Municipal Council and in other cases means the Municipal Board established under the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959).

(b) ‘Family’ means subscriber’s husband or wife, legitimate children and step-children, parents, sisters and minor brother residing with and wholly dependent on the subscriber, and the widow and children of a deceased son of the subscriber.

(c) “Executive Officer” means (1) in the case of a Municipal Council, the Commissioner, (2) in the case of a Municipal Board, the Executive Officer.”

Note:—Where the personal law of the subscriber allows adoption, and adopted child shall be treated as a natural child.

(c) ‘Form’ means a Form appended to these rules;

(d) ‘Government’ means the Government of Rajasthan;

(e) ‘Interest’ means interest accrued on the balance at credit of a subscriber to a provident fund calculated as if such balance were a deposit in the Post Office Savings Bank;

(f) ‘Salary means monthly substantive pay and includes special pay as defined in the Rajasthan Government Service Regulations, but does not include travelling allowance, conveyance allowance or other such allowances;

(g) ‘Savings Bank’ means the Post Office Savings Bank;

(h) ‘Servant’ includes every employee of a Board who holds a substantive post under the Board and every temporary employee of a Board who holds a substantive post under any other local body which maintains a provident fund, but does not include a Government servant employed by a Board;

(i) ‘Subscriber’ means a servant who is required or permitted to subscribe to a provident fund;

(j) ‘Year’ means a financial year.

4. *Servants who shall or may contribute to the Provident Fund.*—Every servant appointed or promoted on or after the date of the commencement of these rules to an office of which the salary is not less than rupees twenty-five per month [ ] and any servant appointed or promoted to such an office before the said date shall be required to subscribe to the Provident Fund of the Board under which he is employed at the rate of six and one quarter per cent of his salary in accordance with the rules hereunder prescribed.

5. *Recovery of subscriptions.*—(1) Every subscription to a provident fund shall be recovered by means of a deduction of the amount of such subscription from each month's salary bill of the subscriber provided that in calculating the deduction to be made, fractions of a rupee of the salary shall be disregarded.

(2) Notwithstanding anything contained in rule 4 or in sub-rule (1) of this rule, no servant shall be required or permitted to subscribe to the Provident Fund while he is absent on leave except during leave-on average pay:

Provided that a subscriber on reinstatement after a period passed under suspension shall be allowed the option of paying in one sum or in instalments not exceeding six, a sum not exceeding the maximum amount of arrear-subscriptions permissible for that period.

6. *Boards contributions to Provident Fund.*—The Board shall contribute to the Provident Fund of each subscriber an amount equal to the amount of his subscription:

Provided that—

(a) If a subscriber who is required to subscribe to a Provident Fund resigns the service of the Board before he has completed three year's service, he shall not be entitled to contributions, made to his Provident Fund by the Board and interest thereon.

(b) If a subscriber is dismissed or tenders resignation from the service of the Board or called upon to resign on account of misconduct or inefficiency, or resigns without one month's notice, the Board may with the sanction of the Government, withhold the whole or any part of the contributions made to his Provident Fund by the Board and the interest thereon:

Provided further that with the sanction of the Government a Board may contribute to the Provident Fund of each subscriber an amount less than the amount of his subscription.

7. *Ledger Accounts for subscribers.*—(1) The Board shall maintain a Provident Fund ledger in form P. F. 1, of which a separate portion shall be assigned to each subscriber, and there shall be entered therein month, the amount of each subscription, the amount of Board's contribution and the monthly balance on which interest is to be calculated.

(2) The amount of the interest accrued on balance at the credit of a subscriber shall be calculated at the end of the year or when the account is closed to the nearest pie on the lowest balance excluding fractions of a rupee, at the credit of the subscriber between the close of the fourth day and the last day of each month.

(3) At the end of each year the Board shall furnish each subscriber with a statement in Form P.F. 2 showing the balance at credit of his account at the beginning of the year, the amounts added thereto by way of subscription and contributions and the interest accrued during the year and the balance at the credit of his account at the end of the year.

8. *Payment of subscription and contributions Municipal to be made monthly to the Head Office Savings Bank.*—(1) The Board shall open an account, to be called The Municipal Board Provident Fund Account, with the Savings Bank, and as soon as may be at the beginning of each month and, if possible, before the fourth day of each month shall pay into such account the amount of all subscriptions recovered under the provisions of rule 5 and of the contributions payable under the provisions of rule 6.

(2) The Executive Officer of the Municipal Board or where there is no such Executive Officer the Secretary may operate the Municipal Board Provident Fund Account.

9. *General Rule as to withdrawals*—(1) No sum shall be withdrawn from the Provident Fund Account with the Savings Bank except—

- (a) Under the provisions of sub-rule (1) of rule 10 for the purpose of investment or deposit; or
- (b) Under the provisions of sub-rule (1) of rule 11 for the purpose of making an advance to a subscriber; or
- (c) Under the provisions of rule 14 when a subscriber's account is to be closed for payment to the subscribers or his heirs or to another Local Body.

10 *Investment of Provident Fund money.*—With the previous sanction of the Government or an officer authorised by the Government in this behalf, the Board may from time to time withdraw any sum from the Provident Fund Account with the Savings Bank and may invest or deposit such sum subject to the conditions and restrictions applicable to such investment or deposit under sub-section (1) of section 51 of the Rajasthan Town Municipalities Act, 1951.

(2) The interest obtained by the investment or deposit of any sum under the provisions of sub-rule (1) shall be deposited in the Municipal Board Provident Fund Account with the Savings Bank:

Provided that if such interest is larger than the amount of the interest which would have accrued had such sum remained in the Savings Bank, the difference between the interest so obtained and

the interest that would so have accrued shall be credited to the Municipal Fund:

Provided further that the whole or part of the difference between the interest that would so have accrued may, with the previous sanction of the Government or the Officer so authorised by the Government in this behalf, be credited to the account of the subscriber in proportion to the contributions made by each subscriber.

(3) (a) At the close of five years after the institution of the fund and at regular intervals of five years thereafter the Board shall furnish to the Government or an officer appointed by the Government in this behalf, for scrutiny a statement showing the total amount of Provident Fund Investments held by the Board.

(b) If the Government or the officer appointed by the Government in this behalf, after quinquennial scrutiny, finds that any of the investments held by the Board out of the Provident Fund have depreciated in value, he may direct that an amount not exceeding the amount of such depreciation shall be drawn by the Board out of its fund and credited to the Municipal Board Provident fund savings Bank Account.

(c) In cases in which the difference between the interest obtainable by the investment or deposit of any sum under the provisions of sub-rule (1) and the interest that would have accrued had such sum remained in the Savings Bank, is to be credited to the Municipal Fund, the cost of making any investment under the provisions of sub-rule (1) shall be paid from the Municipal Fund, and if, when any such investment is realised, the net price obtained after payment of brokerage and other incidental charges is less than the amount originally invested, the difference shall be made good from the Municipal fund, and if such net price is greater than the amount originally invested the difference shall be credited to the Municipal Fund.

(11) *Advances.*—(1) The Board may sanction advance out of the Provident Fund to a subscriber upto the amount of his substantive pay for three months or 1/3rd of the amount standing at the credit of the subscribers account, whichever is less, for either of the following purposes and for no other purpose :—

- (a) to pay expenses incurred in connection with the illness of the subscriber or a member of his family; or
- (b) to pay expenses in connection with marriages, funeral or other ceremonies which by the religion of the subscriber it is incumbent upon him to perform and the connection with which it is obligatory that expenditure should be incurred:

Provided that no such advance shall be sanctioned unless the pecuniary circumstances of the subscriber are such that the indulgence is in the opinion of the Board absolutely necessary:

Provided further that when an advance has already been granted to a subscriber, a subsequent advance shall not be granted

to him until at least 12 months have elapsed since the complete repayment of the last advance and interest thereon, except for very special reasons to be recorded by the Board.

(2) The amount of an advance shall be repayable in such number of equal instalment not more than twenty four, as may be fixed by the Board when sanctioning the advance, and such instalments shall be recovered as if they were subscriptions in the manner provided in rule 5.

(3) If under the provisions of clause (a) or clause (b) of the first proviso to rule 6 the Board's contributions is to be withheld when a subscriber's account is closed, and any portion of an advance made to such subscriber is still outstanding then amount of the advance outstanding plus the amount of interest last calculated on the monthly outstanding balances of the advance shall be added to the amount standing at credit of the account, in column 10 of Form P. F. I, for the purpose of calculating the Board's share of the total at the credit of the account.

12. *Nomination*.—(1) Each subscriber shall as soon after he joins the Provident Fund, as possible, be called upon by the Board to furnish a declaration in Form P. F. 3, in favour of one or more members of his family in such proportions as he may like showing the mode of distribution desired by him with respect to Provident Fund money at his credit in the event of his death.

(2) A subscriber, who has no family, may nominate any other person or persons instead, provided that such a nomination shall be deemed to have been duly made in accordance with these rules only for as long as the subscriber has no family.

(3) If a subscriber at any time acquires a family or remarries, any declaration already made under sub-rule (1) or (2) above, as the case may be, shall forthwith become null and void and unless a revised declaration is received by the Board the amount of his accumulations shall be dealt with under clause (a) or (b) of sub-rule (1) of rule 14 as the case may be.

(4) A nomination may be cancelled by a subscriber and replaced by any nomination which is permitted to be made under this rule.

(5) All such nominations when received shall be carefully recorded and kept in the safe custody of the Executive Officer or the Secretary as the case may be, of the Board.

13. *Securing Nomination*.—(1) The Executive Officer or the Secretary as the case may be, of the Board shall endeavour to secure by the issue of reminders every month the nominations of the subscribers referred to in Rule 72.

(2) If after issue of 6 such reminders no such nominations are received it will be held that the subscriber does not want to make any nominations.

14. *Withdrawal on closing of accounts.*—(1) When a subscriber dies, the amount shown at the credit of his account in column 10 of the Provident Fund Ledger (Form PF1) plus interest accrued to date shall be withdrawn from the Savings Bank, and payment of such amount shall be made, as follows:—

(a) *When the subscriber leaves a family:*—

(i) If a nomination made by the subscriber in accordance with the provision of rules 12 in favour of member or members of his family subsists, the amount standing to his credit in the fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nominations.

(ii) If no such nomination subsists or if such nomination relates only to a part of the amount standing to his credit, the whole amount or the part not covered by the nomination shall, notwithstanding any nomination purporting to be in favour of any person other than a member of the subscriber's family, become payable as to one moiety to the husband or the widow (or in equal shares to the widows), as the case may be, and as in the other moiety in equal shares to the children of the subscriber:

Provided that if one or more of his sons have died leaving behind their widows or sons or both, the respective shares of each such deceased son shall be payable in equal shares amongst their sons widows or both:

Provided further that if the subscriber has left only a husband or widow or widows, as the case may be, the amount shall become payable to such husband or widow or in equal shares to such widows, as the case may be or if the subscriber has left only children the whole of the amount shall become payable to such children in equal share subject to the first proviso above, or, failing both children and widow or widows or husband, as the case may be, in equal shares among other members of the family:

Provided also that no share shall be payable to (i) a married daughter whose husband is alive; (ii) married daughter of a deceased son whose husbands are alive, is there is any member of family other than those specified in clauses (ii) and (fi) above.

(b) *When the subscriber leaves no family.*—

(i) If a nomination made by him in accordance with the provisions or rule 12 in favour of any person or persons subsists, the amounts standing to his credit in funds or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination.

(ii) If no nomination is made by him in accordance with the provisions of rule 12 subsists, or if such nominations relates only to a part of the amount standing to his credit in

the fund, the whole amount or the part thereof to which the nomination does not relate shall be payable to his legal heirs.

*Explanation.—*

(i) For the purposes of this sub-rule, a subscriber's posthumous child shall be considered to be a member of his family at the time of his death and, if born alive, shall be treated in the same way as a surviving child born before the subscriber's death.

(ii) The case of a posthumous child already born when the case is taken by disbursing officer will present no difficulty. For the rest if the possibility of the birth of a posthumous child is brought to the notice of the disbursing officer the amount which will be due to the child in the event of its being born alive, shall be retained, and the balance distributed in the normal way under the sub-rule referred to above, if the child is born alive payment of amount retained should be made as in the case of minor child; but if no child is born or the child is still-born the amount retained should be distributed among the family in accordance with the sub-rule cited above.

(2) Subject to the provisions of rule 4 when a subscriber ceases to be a servant of the committee the amount shown to the credit of his account in column 10 of the Provident Fund Ledger (Form PFI) Plus interest accrued to date shall be withdrawn and shall be paid to him.

Provided that—

(a) If he is transferred otherwise then temporarily to the service of another local body which maintains a provident fund, or, when having been transferred temporarily from the service of other local body he reverts to such service, the amount withdrawn shall be paid to such other local body for credit to his providents Fund account which such local body; and

(b) If he is transferred temporarily to the service of another local body, the amount shown to the credit of his account in column of the Provident Fund Ledger shall not be withdrawn but shall remain to the credit of his account.

(3) When an account is closed under the provisions of this rule, a line shall be drawn in red ink across the place below the last entry in the Provident Fund Ledger Account, and the words "Dead Account" shall be added.

15. No amount shall be withdrawn from the Provident Fund for payment to subscriber or his heirs unless such payment can be made immediately.

16. *Accounts to be withheld when account is closed.*—Notwithstanding anything contained in rule 14 if any sum is due from a subscriber to the Board at the time when his account is closed the Board may deduct the amount of such sum before making payment

under rule 14 of the amount at the credit of his provident Fund Account.

17. *Voluntary deposits.*—No voluntary deposits from a servant shall be credited to the Provident Fund.

18. Government may delegate all or any of its powers under these rules to any officer subordinate to it.

### FORM No. P. F. I.

See rule 7 (1)

### PROVIDENT FUND LEDGER

Account of Provident Fund transaction of the Municipal Board.,  
.....Month of.... ..

By whom deposited			Credit		
1 Name of the depositer	2 Official Designation	3 Register No.	4 Date of Receipt	5 Opening Balance	6 Recovery of Advance
On what Account			Ebits		
7 Deduction from Salary	8 Contri- bution by the M.B.	9 Interest Added at the end of the year	10 Total	11 Date of payment	12 Credit to

## FORM PF 2.

See rule 7(2)

## Subscribers' Annual Account

..... Municipal Provident Fund.

Name of Subscriber .....

Details.	Amount
Balance at credit of account on 31st March	.....
Subscriptions by the subscriber	.....
Contributed by the Municipal Board	.....
Other receipts	.....
Interest accrued	.....
Total	.....

Less amount of advance outstanding

Balance at credit of account on 31st March, 19

## Notes:—

(1) Any representation with regard to the correctness of this account which the subscriber may wish to make should be made in writing within one month from with date noted below to the Secretary of the Committee in the form below.

(2) In cases where the subscriber has made no nomination in favour of a member of his family at the time, but acquired a family thereafter, the fact should be reported forthwith.

(3) The subscriber is requested to state whether he desires to make any alternation in any nomination made under the rule of the fund.

Date.....

Secretary, Municipal Committee of .....

Initial of Account

Form of Acceptance From the Subscriber  
Objection

I hereby acknowledge the receipt of the annual statement of my *General Provident fund Account for the year 19 ..19 ..* and accept/ but do not show therein as correct/ for the reasons given over leaf

Name... ..

Designation.....

With fund account No...

Noted in the Ledger  
Accountant.

For Use in the Office

FORM PF 3  
( See rule 12 (1) )  
THE PROVIDENT FUND  
Form of Declaration  
( For Subscriber )

I HEREBY declare that in the event of my death the amount at my credit in the Provident Fund shall be distributed among the persons mentioned below in the manner show against their names.

The amount due to nominee who is a minor at the time of my death should be paid to the person whose name appear in column 5;—

7

6

5

4

3

2

1

Remarks.

Sex and percentage of person mentioned in Col. 5

Name and address of the person to whom payment is to be made on behalf of the minor.

Amount of share of Deposit

Whether major or minor, if minor, state his age.

Relationship with the subscriber.

Name and the address of the nominee or nominees.

\*Here state unmarried, married or widower.

Two witness to signature of subscriber:—

Witness No. 1.

SIGNATURE.....

OCCUPATION.....

ADDRESS.....

Witness No. 2.

SIGNATURE.....

OCCUPATION.....

ADDRESS.....

Signature of Subscriber.....

Occupation of " .....

Address of " .....

Station.....

Date.....

Note:—

A subscriber having a family as defined is not permitted in this Form of Declaration to leave the amount of his accumulation in the Fund or any part of it to any one outside his family.

# **The Rajasthan Municipalities (Observances of Holidays and Regulating Hours of Work) Rules, 1961.**

Local Self-Government Department  
NOTIFICATIONS

*Jaipur, February 9, 1962.*

No. F. 8 (176) LSG/61.—In exercise of the powers conferred by section 297 of the Rajasthan Municipalities Act, 1959 (Act No 38 of 1959), the State Government hereby makes the following rules namely :—

1. *Short title and commencement.*—(1) These rules may be called the Rajasthan Municipalities (Observation of holidays and regulating hours of work) Rules, 1961.

(2) These rules shall come into force after one month from the date of their publication in the official Gazette.

2. *Observance of Holidays.*—(1) The offices and Institutions under the Control of the Municipalities shall observe only such public and local holidays as are observed or are duly declared by the Government from time to time in respect of Government offices.

(2) No Municipality or Institution under its control shall observe holidays other than those declared for Government offices and Institutions without the previous sanction of the State Government.

3. *Hours of work.*—The working hours of the offices of the Municipalities shall be such as may be prescribed by Government for Government offices in the Municipal Area.

RAJ. MUNICIPALITIES (OBSERVANCE OF HOLIDAYS  
& REGULATING HOURS OF WORK) RULES, 1961

Local Self-Government Department  
NOTIFICATION

Jaipur, October 10, 1962.

*No. F. 8 (176) LSG/61.*—In exercise of the powers conferred by section 297 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following amendments in the Rajasthan Municipalities (Observance of holidays and regulating hours of work) Rules, 1961.

AMENDMENT

In the said rules, the following proviso shall be added to sub-rule 2 of rule 2, namely.—

*[Provided that in case of the death of the members, ex-members, office bearers of the Local Body, Local festivals, fairs organised by the Local Body and other local institutions, exhibitions, the President/Chairman of Municipal Board or the Municipal Council, as the case may be, may declare holiday on such day:*

*Provided further that the number of such holidays shall not exceed 3 days in a calendar year.]*

By Order of the Governor,

B. L. MEHTA.

Dy. Secretary to the Government.

[Pub. in Raj. Raj-Patra Part IV (c) Dt. 7-2-1963 at Page 915]

# The Rajasthan Municipal Service Rules, 1961.

Local Self-Government Department

## NOTIFICATION

Jaipur, March 28, 1961.

No. F. 10 (1) LSG/56.—In exercise of the powers conferred by section 297 (1) & (2) (t) and section 306 (2) of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959) and all other provisions enabling in this behalf, the State Government hereby makes the following rules, namely:—

### PART I *General.*

1. *Short title and commencement.*—These rules may be called the Rajasthan Municipal Service Rules, 1961 and shall come into force after one month from the date of their publication in the official Gazette.

2. *Supersession of existing rules and orders.*—All existing rules and orders in relation to matters covered by these rules shall stand superseded on the coming into force of these rules but any action taken by or in pursuance of such existing rules and orders shall be deemed to have been taken under these rules.

3. *Definitions.*—In these Rules, unless there is any thing repugnant in the subject or context:—

(a) 'Act' means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);

(b) 'Commission' means the Rajasthan Public Service Commission;

(c) 'Direct recruitment' means recruitment prescribed by rule 98, of these rules;

(d) 'Director' means Director of Local Bodies;

(e) 'Former Appointing Authority' means the authority competent to make appointment before the commencement of these rules;

(f) 'Appointing Authority' means the authority competent to make appointment of various categories of officers as prescribed in the schedule 1;

(g) 'Board' means municipal board and includes Municipal Council;

(h) 'Schedule' means a schedule to these Rules;

(i) 'Service' means the Rajasthan Municipal Service, created and constituted by the State Government under section 302 of the Act;

(j) 'Member of the Service' means a person appointed or deemed to have been appointed to a post in the service under the provisions of these rules;

(k) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

4. *Interpretation.*—Unless the context otherwise requires, the Rajasthan General Clauses Act, 1955 (Rajasthan Act No. VIII of 1955) shall apply for the interpretation of these rules as it applies for the interpretation of a Rajasthan Act.

## PART II.

### *Cadre.*

5. *Strength of the Service.*—(1) The strength of the service and of each category of posts therein shall be such as may be determined by the State Government from time to time.

(2) The permanent strength of the Service and of each category of posts therein shall unless orders varying the same have been passed under sub-rule (1), be as specified in column (2) and (3) of the Schedule I:

Provided that the Government may leave unfilled or hold in abeyance or abolish any vacant post or posts without thereby entitling any person to compensation or may create any post permanent or temporary or alter or amend the Schedule from time to time as may be found necessary.

6. *Initial Constitution of the Service.*—(1) All persons appointed in different categories of posts encadred in the service by way of integration in the manner laid down in sub-section (2) of section 306 of the Act and the rules made thereunder, shall be deemed to have been substantively appointed to the service under the provisions of these rules:

Provided further that a permanent Government employee may within 90 days of the enforcement of these Rules exercise his option not to become a member of the service in which case the Former Appointing Authority may take such action as it may deem necessary in accordance with the provisions of the Rajasthan Service Rules:

Provided further that a temporary Government employee may within 30 days of the enforcement of these rules exercise his option not to become a member of the service, in which case, the Former Appointing Authority may terminate his service under the provisions of the Rajasthan Service Rules or absorb him on some other post under the Government.

(2) A temporary employee who exercises option under the provisions of sub-rule (1) not to become a member of the Service shall be deemed to have been served with the notice of discharge with effect from the date of his exercising such option. A permanent Government employee who exercises option under the provisions of sub-rule (1) not to become a member of the Service shall be deemed to be on deputation with the Municipal Board or Council,

as the case may be, from the date of his exercising such option, till the Former Appointing Authority absorbs him on another post or discharges him under the provisions of the Rajasthan Service Rules (3) Holders of any other category of posts which may be encadred in the Service after the commencement of these rules shall also be dealt with in accordance with the above provisions of this rule.

7. *Classification of Municipalities.*—(1) For the purpose of these rules the classification of Municipalities in the State shall be as notified by the State Government from time to time in the official Gazette under section 303 (1) of the Act.

(2) The scales of pay for different posts in the service with different designations for all Municipalities shall be as prescribed by the State Government from time to time by a notification in the official Gazette under section 303 (2) of the Act.

(The scales of pay in force at the date of promulgation of these rules will be found in column 4 of schedule I).

### PART III

#### *Recruitment.*

8. *Sources of recruitment.*—Vacancies in the service after the commencement of these rules shall be filled:—

- (a) by direct recruitment in the lowest grade of each category and in grade II in respect of the Executive Officers;
- (b) by promotion from a lower to the next higher grade in the same category;
- (c) by transfer of persons holding corresponding posts under Government:

Provided that no Government servant shall be transferred to the Service without his prior consent:

Provided further that the State Government may fill any post of Municipal Commissioner by deputation of an officer serving under the Government or by appointing a retired officer of the Government or a Local Authority on prescribed terms and conditions:

Provided further that the State Government may fill any vacancy in the service by direct recruitment if no suitable officer for promotion or transfer be available.

9. *Reservation of vacancies for scheduled castes and scheduled tribes.*—(1) Reservation of vacancies for the scheduled castes and scheduled tribes shall be made in accordance with the orders of the Government in force at the time of recruitment.

(2) Reservation shall be calculated on the basis of total vacancies in each category. Adjustment of fraction shall be made over a period of five years. There shall be no reservation for promotions.

10. *Determination of vacancies.*—Subject to the provisions of these rules and the directions of the State Government, if any, the Director shall determine at the commencement of every year the number of vacancies anticipated under each category during the following calendar year and the number of persons likely to be recruited by each method.

11. *Nationality.*—A candidate for appointment to the service must be:—

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a subject of Nepal, or
- (d) a former French Possession in India, or
- (e) a person of India Origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that if a candidate belongs to category (c) and (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d), the certificate of eligibility shall be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he becomes a citizen of India.

12. *Age.*—A candidate for direct recruitment to the service must have attained the age of 21 years and must not have attained the age of 25 years on the first day of January following the last date fixed for receipt of application:

Provided that:—

(i) the upper age limit for a candidate of a Schedule Caste or a Scheduled Tribe shall be 30 years;

(ii) the upper age limit for ex-servicemen shall be 50 years;

(iii) the upper age limit for ex-Jagirdars including ex-Jagirdars' sons, who did not have any sub-Jagir for their subsistence shall be 40 years till 31st December, 1961;

(iv) that the upper age limit may be relaxed up to 10 years, with the prior written approval of the State Government in any exceptional case.

13. *Academic qualifications and qualifying service.*—(1) A recruit to the various categories of service must possess the minimum educational or technical qualifications and experience detailed in column 5 of Schedule I.

(2) No candidate shall be eligible for direct recruitment to the service unless he possess as a good working knowledge of Hindi written in Deonagri script and of Rajasthan dialects.

14. *Character.*—A candidate for direct recruitment to the service must produce a certificate of good character from the Principal Academic Officer of the University, College, School or Institu-

tion in which he was last educated and two such certificates written not more than six months prior to the date of application from two responsible persons not connected with his University, College or Institution and not related to him.

*Note:*—A conviction by a Court of Law need not by itself, entail the refusal of a certificate of good character. The circumstances of conviction should be taken into account and if they involve no more turpitude or association with crimes of violence or with a movement which has as object the overthrow, by violent means, of Government as by Law established, the mere conviction need not be regarded as a disqualification.

15. *Physical fitness:*—A candidate for direct recruitment to the Service must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties as a member of the Service, and must produce, if selected for appointment, a certificate to that effect from the Medical Authority appointed by Government for the purpose.

16. *Convassing.*—No recommendations for recruitment either written or oral other than that required under the rules, shall be taken into consideration. Any attempt on the part of a candidate or enlist support directly or indirectly for his candidature by other means may disqualify him for recruitment.

#### PART IV.

##### *Procedure for direct recruitment.*

17. *Inviting of applications.*—On receipt of a requisition for direct recruitment to the Service, applications shall be invited by the Commission by advertising such vacancies in Official Gazette and in such other manner as they may deem fit.

18. *Form of application.*—The application shall be made in the form prescribed by the Commission and obtainable from the officer notified by the Commission on payment of such fees as the Commission, may, from time to time, prescribe.

19. *Scrutiny of applications.*—The Commission shall scrutinise the applications received by them and require as many candidates out of these qualified for appointment under these rules as seem to them desirable to appear before them for interview.

20. *Recommendation of the Commission.*—The Commission shall thereafter prepare a list of the candidates considered suitable for appointment to the post or posts concerned, arranged in order of preference and forward the same to the State Government.

21. *Selection by the State Government.*—The State Government shall, subject to the provisions relating to reservation of seats for the scheduled castes, and the scheduled tribes, select the candidates who stand highest in order of merit in the list prepared by

the Commission under the preceding rule, provided it is satisfied, after such enquiry as may be considered necessary that such candidates are suitable in all respects for appointment to the post or posts concerned.

## PART V.

### *Procedure for recruitment by Promotion.*

22. *Criteria for selection.*—(1) For purposes of recruitment by promotion to the Service, a selection strictly on the basis of seniority-cum-merit shall be made from among members of the Service eligible for promotion as provided in the Schedule I.

(2) In selecting the candidates for promotion regard shall be had to their:—

- (i) technical qualification, knowledge and experience;
- (ii) tact, energy and intelligence;
- (iii) integrity; and
- (iv) previous record of service.

23. *Procedure for selection.*—(1) Whenever it is decided that number of vacancies exist in a senior post the Director shall prepare separate lists of persons eligible for promotion to the posts in the grade concerned in order of seniority. The number of candidates included in the lists shall not exceed five times the number of vacancies likely to be filled up by promotion.

(2) The list prepared under sub-rule (1) for posts specified in schedule I shall be forwarded to the Secretary (L.S.G.) together with the confidential rolls and other service records of the candidates included in the list. A Committee consisting of:

- |  |           |
|--|-----------|
| 1. The Secretary to the Government in the Administrative Department.                     | Chairman. |
| 2. The Director of Local Bodies.   | Member.   |
| 3. The representative of Appointments Department not below the rank of Deputy Secretary. | Member.   |

shall consider the cases of the persons included in the list and may interview such of them as it considers necessary and select those whom they consider suitable for promotion. The number of officers to be selected shall, subject to the availability of suitable persons, be equal to the number of vacancies likely to be filled by promotion. A list of the officers selected shall then be made in the order of their *inter se* seniority in the Service and forwarded to the Government for final selection.

(3) The names of officers finally selected by the Government shall be arranged in order of their seniority.

(4) For promotion to the posts specified in Schedule I, the Committee mentioned in sub-rule (2) will be presided over by Chairman, Rajasthan Public Service Commission or a member nominated

by him. The list prepared by the Committee shall be sent to the State Government and Final Selection shall be made by the Government or such officer whom powers may have been delegated in this behalf.

## PART VI.

### *Appointments, probation and confirmation.*

24. *Appointment to the Service.*—Appointments to the service either by direct recruitment, promotion or deputation on occurrence of vacancies in the service in the manner prescribed by rule 22 and 23 shall be made by the following authorities:—

(1) appointment to the post of Municipal Commissioner, Health Officers, Engineer, Executive Officers of Class II Municipalities and of Municipal Councils shall be made by the Government unless powers of appointment in respect of any or all posts are delegated to some other officer.

(2) Appointments to all other posts in shall be made by the Director of Local Bodies.

25. *Seniority.*—Seniority in each category or class shall be determined by the date of the order of substantive appointment to a post in that grade or category.

(i) that the seniority *inter se* of the members of the service, appointed to posts in a particular grade or category before the commencement of these rules, shall be such as has been or may be fixed by the Government;

(ii) that if two or more persons are appointed to the posts in the same class or category under the same order or orders of the same date, their seniority shall be in the same order in which their names appear in the list;

(iii) that the seniority of persons appointed by transfer from Government service, after the commencement of these Rules, shall be determined *ad hoc* on the basis of their continuous length of substantive service on the analogous post;

(iv) that as amongst persons appointed to a post by promotion or direct recruitment on the same date; those appointed by promotion shall rank senior.

26. *Emergent temporary appointments.*—(1) In case no selection is made or no person selected in accordance with the foregoing provisions is available at any time for filling up a vacancy, appointment may be made by the Government or the Director as the case may be temporarily for a period not exceeding six months of a person eligible for direct recruitment or promotion under the rules.

(2) A temporary appointment made under sub-rule (1) shall terminate even before the expiry of such period if a candidate selected in accordance with the foregoing provisions is made available.

27. *Probation.*—All directly recruited candidates shall on appointment to the service, be placed on probation. The period of probation in each case shall be one year.

28. *Unsatisfactory progress during the probation.*—(1) If it appears at any time during or at the end of the period of probation, that an officer who was directly recruited to the service has not made sufficient use of the opportunities or if he has otherwise failed to give satisfaction, the appointing authority may dispense with his services or in case he holds a lien on some other post under any Municipality, revert him to that post:

Provided that the appointing authority may in special cases extend the period of probation of any member of the service by a specified period not exceeding one year.

(2) A probationer reverted or removed from service during or at the end of the period of probation under sub-rule (1) shall not be entitled to any compensation.

29. *Confirmation.*—A probationer shall be confirmed in his appointment at the end of his period of probation by the appointing authority provided—

(a) he has passed the prescribed departmental examinations, if any, and

(b) the appointing authority is satisfied that his integrity is unquestionable and that otherwise he is fit for confirmation.

## PART VI.

### *Pay*

30. *Scale of Pay.*—The scale of monthly pay admissible to a member of the service shall be such as is prescribed by the Government for his post from time to time under sub-section (2) of section 303 of the Act.

31. *Increments during probation.*—A probationer shall draw increments in the scale of pay admissible to him during the period of probation as they accrue, provided that if the period of probation is extended on account of failure to give satisfaction or to afford an opportunity to him to pass departmental examination, if any, such extension shall not count for increment unless the authority granting the extension directs otherwise.

32. *Criteria for crossing efficiency bar.*—No member of the service shall be allowed to cross the efficiency bar, unless he has worked satisfactorily and his integrity is unquestionable.

## PART VII

### *Other provisions.*

All members of the service including those who have since before the date of constitution of the service been regular subscribers to a contributory Provident Fund shall subscribe to that fund

in accordance with the rules applicable thereto and the contribution if any of the Council or Board on that account shall be determined in accordance with the provisions applicable to the Fund:

Provided that a member of the service who was entitled to the benefit of a pension under the Rajasthan Service Rules, before the date of the Constitution of the Service, shall be entitled to the payment of a pension by the Government out of the consolidated fund of the State and every Board shall make and pay pension contribution on that account in accordance with the rates laid down in the Rajasthan Service Rules.

34. *Regulation of pay, allowances, leave, pension, gratuity, provident fund, discipline, conduct etc.*—Subject to the provisions of sub-section (4) of section 307 and except as provided in these rules the pay, allowances, pensions, leave and other conditions of service of the members of the service shall be regulated by rules made under section 297 of the Act, and pending the issue of such rules, by the following rules:—

(1) The Rajasthan Service Rules 1951 (except provisions relating to pension and payment of medical allowances) as amended from time to time.

(2) Rajasthan Travelling Allowance Rules as amended from time to time.

(3) Rajasthan Civil Service (Classification, Control and Appeal) Rules, 1958 as amended from time to time.

35. Liability with regard to salary, T.A., Medical charges, and P. F. of the an play shall be that of Boards under whom they serve for the time being and shall not be a charge on the consolidated fund of the State.

## PART VIII

### *Matters relating to first appointments etc.*

36. The first appointments to the service by way of integration shall be made in accordance with the provisions in this part.

37. *Eligibility.*—(1) No Executive Officer or Secretary of Municipality who—

- (a) has attained the age of 55 years on 31-3-1960, or
- (b) is employed on contract, or
- (c) is a retired officer re-employed for a specific period or otherwise.

shall be eligible for first appointment under these rules.

(2) Subject to the provisions of sub-rule (1) the persons holding the post of Executive Officer or Secretary on 31-3-1960 in a class of Municipality specified in column 2 shall be eligible for the post specified in the corresponding entry in column 3 of the schedule below:—

## SCHEDULE

S. No.	Designation of the post held on 31.3.1960.	Designation of the post for which eligible.
1.	Executive Officer of Municipality class I including Municipalities of Ajmer, Alwar, Bikaner, Jaipur, Jodhpur, Udaipur.	Municipality Commissioner, City Municipality.
2.	Executive Officer or Secretary Class II Municipality (including Municipality of Beawar).	Executive Officer Class I Municipality.
3.	Executive Officer or Secretary of Class III Municipality (including municipality of Kekri).	Executive Officer Class II Municipality.
4.	Executive Officer or Secretary of Class IV Municipality (including Municipality of Deoli and Pushkar).	Executive Officer Class III Municipality.
5.	Executive Officer or Secretary Grade V, VI & VII Municipal Boards provided that such of the persons who are considered suitable for a post in the next higher category as a result of screening under these rules may be considered for appointment to such post if there be no suitable number of candidates available for such post in the next higher category.	Executive Officer Class IV Municipality.

(3) Such of the persons who are considered *un-suitable* for a particular grade of post as a result of screening under these rules may be considered for a post in any of the lower categories.

(4) Engineer and Health Officer.

38 *Persons eligible under these rules to furnish particulars of their service record etc.*—(1) Such persons who are eligible for selection under these rules shall, within such time as may be specified in this behalf by the State Government, submit an application in Form I duly filled in to the Director of Local Bodies, Rajasthan, Jaipur.

(2) Any person failing to submit the application within the time specified under sub-rule (1) shall not be considered for selection under these rules and all his claims thereto shall be deemed to have lapsed.

39. *Verification of service record etc.*—(1) The Director of Local Bodies, Rajasthan, shall, immediately after the receipt of the applications under rule 5 verify the correctness of the particulars mentioned therein with reference to the service record and prepare a list of all such Executive Officers and Secretaries categorywise, in order of seniority.

(2) The relative seniority as between persons in each category shall be determined on the basis of their:—

- (a) length of service in each cadre completed by the incumbent on 31-3-1960.
- (b) age, where two employees joined the cadre on the same date, the older shall be placed senior.

(3) The lists prepared and drawn-up in sub-rule (1) shall be placed before the Selection Committee consisting of:—

Chairman, R. P. S. C. or his nominee	<i>Chairman.</i>
Secretary to the Government L. S. G. Department	<i>Member.</i>
Director of Local Bodies.	<i>Member.</i>

40. *Criteria for selection.*—(1) For the purposes of recruitment by selection on seniority-cum-merit basis, selection shall be made from all the Executive Officers and Secretaries included in the list referred to in sub-rule (1) of rule 39 who are eligible for selection to the various categories of post specified in rule 37.

(2) In selecting candidates regard shall be had to their:—

- (a) technical qualifications, knowledge and experience;
- (b) tact, energy and intelligence;
- (c) integrity, and;
- (d) previous record of service, and any other factor which may be relevant.

41. *Selection by Selection Committee.*—(1) The Selection Committee shall consider the cases of all the candidates included in the list, interview such of them as they consider necessary and shall select a number of candidates equal to the number of vacancies to be filled in, and prepare a list of seniority for each category and publish the same in the official gazette so as to provide an opportunity for any person aggrieved thereby to submit his representation to the Selection Committee within one month from the date of such publication.

(2) On the expiry of the period and after hearing the objections, if any, the Selection Committee shall prepare a final list of the candidates to whom they consider suitable and arrange their names in order of seniority for each category.

(3) Thereafter the Selection Committee shall submit their recommendations together with the final list referred to in preceding sub-rule to the State Government.

(4) The final selection shall be made by the State Government from amongst the candidates considered suitable by the Selection Committee who will be posted in the category of the post for which they are found fit.

(5) Ordinarily, the candidates selected for a particular category of post shall be allowed the scale of pay prescribed for that post on the minimum pay. The Selection Committee may however recommend a higher start with a view to give relief to such of the incumbents who were actually drawing more than the minimum continuously for at least one year preceding or to such other cases where hardship is involved.

By Order of the Governor,

A. K. ROY,

Secretary to the Government.

### FORM I.

1. Name.
2. Community or Religion.
3. Date of Birth.
4. Age.
5. Educational Institutions attend.

From

Name of the University or School or College

To

6. Educational Qualifications Subject. Division. Year.

Remarks. (Starting from Matriculation).

7. Experience.

Nature of employment:

Office.	Grade.	From to pay.	Pay Scale.
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(1)

(2)

(3)

8. Post held on 31-3-1960.

9. Eligibility and the post claimed.

10. Remarks.

Signature of the applicant:

*Published in Raj. Raj. patra part IV (c) dated June 28, 1961 at page 67*

Local Self-Government Department

### ADDENDUM

Jaipur, June 27, 1961.

No. F. 10 (1) LSG/56.—At the end of the Rajasthan Municipal Service Rules 1961, published under this Department Notification No. F. 10 (1) LSG/56 dated 28th March, 1961, published in Part IV-(C) of the Rajasthan Gazette Extraordinary dated the 13th April, 1961, the following Schedule shall be added:—

# SCHEDULE I

S. No.	Grade.	Strength of Service.	Scale of pay	Qualification required to direct recruitment.	Post from which appointment can be made by promotion.	Minimum experience, qualification required by promotion.	Remarks.
1	2	3	4	5	6	7	
1.	Commissioner, Municipal Councils, Class I.	8	Rs. 250-25-400-EB-25-600	..	Executive Officers of Class II Municipality and Secretary, Municipal Council.	Five years' service preference will be given to graduates other things being equal.	
2.	Executive Officer, Class II Municipalities and Secretary Municipal Councils.	24	Rs. 200-10-280-EB-15-400.	..	Executive Officer of Class III Municipal Boards or Revenue Officers of Class I Municipalities.	Five years' service, preference will be given to graduates with diploma in L. S. G.	
3.	Executive Officer Class III Municipality.	23	Rs. 150-10-200-EB-10-250-12-1/2-300.	Graduate with diploma in L. S. G.	Executive Officers Class III Municipalities, Revenue Officers in Class II Municipalities.	Three years' service, preference will be given to graduates with diploma in L. S. G.	
4.	Executive Officer, Class IV Municipalities.	41	Rs. 80-5-120-EB-8-160-10-220	..	Executive Officer of Class V Municipalities.	Three years' service, preference will be given to graduates with diploma in L. S. G.	
5.	Executive Officers Class V Municipalities.	49	Rs. 60-4-80-5-100 EB-5-130	Matriculate with Diploma in L. S. G.	Executive Officer of Class IV Municipalities and Revenue Officer in Class II Municipalities.	Three years' service, preference will be given to graduates in Commerce with Diploma in L. S. G.	-do-
6.	Revenue Officer Class I Municipalities.		Rs. 200-10-280-EB-15-400.	..	Executive Officer of Class V Municipalities.	Preference will be given to graduates in Commerce.	
7.	Revenue Officer Class II.		Rs. 150-10-200-EB-10-250-12-1/2-300.	..	Executive Officer of Class V Municipalities.		
8.	Revenue Officer Class III.		Rs. 120-5-150-EB-15/2-240.	Graduates with Diploma in L. S. G.			

S. No.	Category of post.	Scale of pay and special Pay.	Qualification for direct recruitment.		Posts from which appointment can be made by promotion.	Minimum experience qualification required for promotion.
			1	2		
1	2	3	4	5	6	
<b>TECHNICAL</b>						
1.	Engineer Class I Municipality.	Rs. 250-500.	As may be prescribed by the State Govt.	Engineer Class II Municipality.		Must have passed the Overseers course, preference will be given to Graduate in Engineering -do-
2.	Engineer II Class Municipality.	Rs. 200-400.	-do-	Engineer Class III Municipality.		
3.	Engineer Class III Municipality.	Rs. 150-300.	-do-	Overseer, Class IV Municipality.		Must have passed Overseers course.
4.	Overseer Class IV Municipality.	Rs. 80-200.	Must have passed Overseers course.	Overseer, Class IV Municipality.		Must have passed Overseers Course.
<b>HEALTH</b>						
1.	Health officer Class I Municipality.	Rs. 250-600.	As may be prescribed by the State Govt.	Health Officer Class II Municipality.		Three years services.
2.	Health Officer Class II Municipality.	Rs. 200-400.	As may be prescribed by the State Govt.	-do-		-do-

By order  
P. N. SETH  
Deputy Secretary to the Government.

# The Rajasthan Municipalities (Octroi) Rules, 1962.

Local Self-Government Department

## NOTIFICATION

*Jaipur, November 15, 1962.*

No. F. 8 (6) LSG/61.—In exercise of the powers conferred by section 297 read with section 104 of the Rajasthan municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following rules, namely :—

### CHAPTER I.

#### *Preliminary.*

1. *Short title, commencement and repeal.*—(1) These rules may be called the Rajasthan Municipalities (octroi) Rules, 1962.

(2) These rules shall come into force after three months from the date of their publication in the official Gazette

(3) All rules, bye-laws and regulations relating to the levy and collection of octroi in force in any municipality within the state, shall, as from the date of the commencement of these rules, stand superseded as if repealed by an Act of the State Legislature.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires :—

(a) 'Act' means the Rajasthan Municipalities Act, 1959 (Act No 38 of 1959).

(b) 'Board' includes a Municipal Council.

(c) 'Executive Officer' includes the Commissioner of a Municipal Council and in the case of a Board for which no Executive Officer has been appointed, its Secretary.

(d) 'Form' means a form appended to these rules.

(e) 'Goods' included animals.

(f) 'Octroi Superintendent' means the principal Officer of the Board appointed for the purpose of discharging duties in connection with the levy, assessment and collection of Octroi and includes an Officer with any designation who may be entrusted by the Board with the aforesaid duties either exclusively or in addition to other duties.

(2) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

## CHAPTER II

*Assessment and Collection.*

3. *Octroi out-posts.*—Every board shall establish octroi out-posts at such points on or in immediate vicinity of its municipal limits as it shall from time to time determine as being the most suitable for intercepting the import traffic and for assessing, levying and collecting octroi in accordance with these Rules, and shall also appoint suitable persons to be incharge of each of such out-posts :

Provided that the octroi out-posts in existence in a Municipality and the persons appointed incharge thereof on the date of commencement of these Rules shall be the octroi out-posts and the persons incharge thereof for the purpose of these Rules.

4. *Appointment of Inspecting Staff.*—(1) Every board may appoint such number of persons as it may consider necessary to be Octroi Moharrirs or Assistant Inspectors or Inspectors for enforcing the Rules and for ensuring that the payment of octroi is not evaded.

(2) The Board shall also appoint an octroi Superintendent for supervising, controlling and enforcing the levy, assessment and collection of Octroi under and in accordance with these Rules.

5. *Vehicles and conveyances to stop at Octroi out-post.*—Every driver of a Motor vehicle or any other conveyance shall stop his vehicle or conveyance, as the case may be, at the Octroi out-post and also at any other place within the Municipal limits if called upon to do so by an Octroi Moharrir or Assistant Inspector or Inspector or by the Octroi Superintendent or the Executive Officer or such other officials as the Board may authorise in this behalf in order to check that the goods have been properly assessed and to prevent evasion of payment of octroi.

6. *Payment of Octroi duty.*—No goods liable to payment of octroi shall, except as otherwise provided in these rules, be brought within the municipal limits until the octroi duty leviable in respect of such goods has been paid at the octroi out post situated on the route of entry as notified by the Board from time to time for the purpose.

7. *Import through prescribed routes.*—No person shall bring goods liable to the payment of Octroi duty within Municipal limits except through the route or routes prescribed for the purpose by the Board.

8. *Services required from the importers.*—Every person bringing or receiving dutiable goods shall, so far as may be, within his power, give or communicate all such information or exhibit or produce all such bills, invoices, receipts or other documents of a like nature which he may possess relating to the goods to enable the

octroi officials to assess and collect the amount of octroi leviable in respect thereof and such person shall afford the octroi officials every facility for the purpose of having his goods appraised and when required to do so. shall permit them to inspect, weigh, examine, measure, or otherwise appraise or deal with the whole or any portion of the goods for the purpose of assessing and collecting octroi thereon, checking the payment of such duty or for carrying out any other provisions of these rules

9. *Declaration of goods brought into the Municipal limits:—*

(1) Every person bringing within the municipal limits goods liable to payment of octroi shall produce such goods at the octroi out post and shall declare whether the goods are intended :—

- (i) for consumption use or sale within the municipality, or
- (ii) for immediate transporation outside the municipality or
- (iii) for temporary detention within municipal limits and eventual transporation outside municipal limits.

(2) Declaration under clause (i) of sub-rule (1) may be oral and declarations under clauses (ii) & (iii) shall be in writing in form No. 1 and shall be tendered to the incharge of the octroi out-post at the time of bringing the goods within the Municipality. If no such declaration is made the goods shall be treated as having been brought within the municipal limits for consumption, use or sale therein.

10. *Procedure of levy of octroi duty.*—(1) In the case of goods brought for consumption, use or sale within the municipal limits, the octroi chargeable on the goods shall be paid in the manner prescribed in sub-rule (2) below :—

(2) (a)-*Collection of octroi at octroi out-post.*—In the case of a Municipality where arrangements have been made for the collection of octroi at the octroi out-post, the octroi chargeable on the goods shall be paid by the person bringing the goods at once to the Incharge of the octroi out-post who shall draw a Bill-cum-receipt in form No.2 in triplicate of which the first copy shall remain in the Bill-cum-receipt book as counterfoil, the second copy shall be given to the person making the payment and the third copy shall be forwarded to the Octroi Superintendent along with daily remittances.

(b) (i) *Collection of Octroi where no arrangement of octroi out-post exists.*—In the case of a Municipality where no arrangements have been made for collection of Octroi at an Octroi out-post, the Incharge of the Octroi out-post shall draw up a pass in triplicate in form No. 4, the first copy shall remain in the pass book as counterfoil, the second copy shall be given to the person bringing the goods and the third copy shall be sent to the Octroi Superintendent. Such person shall pay by the next working day the amount of Octroi due to the Octroi Superintendent.

(ii) On presentation of the pass referred to in sub-clause (i) of clause (b) the Octroi Superintendent shall recover or cause to be recovered the octroi duty any issue or cause to be issued a Bill cum-receipt in form No 2. The copy of the pass will be pasted to the Octroi Bill-cum-receipt and a copy of the Bill-cum-receipt sent to the octroi out-post of issue for pasting it on the copy of the pass.

(c) *Goods imported through Railway train.*—In the case of goods brought by a Railway goods or passenger train, the person bringing or receiving the goods before taking delivery of the same shall present the railway receipt or the parcel way Bill at the octroi out-post for stamping and payment of octroi dues thereon. The In-charge of the octroi out post shall note down the particulars of the railway receipt or parcel-way bill, as the case may be, in the register in form No 3 and obtain signature of the person bringing or receiving the goods and recover the amount of octroi duty due and shall issue a bill cum-receipt in form No. 2. Thereafter the Incharge of the out-post shall also affix on the *Railway-receipt* or the parcel way-bill, as the case may be, the stamp of 'octroi paid'. Such person shall produce for verification the goods along with the receipt at the octroi out-post after taking delivery.

*Notes :—*When the Railway Receipt or the Parcel way-bill is not received, the Railway Indemnity Bond presented by the person bringing or receiving the goods may be accepted and stamped.

(d) *Goods imported through Railway out agency.*—In cash of goods imported through Railway out agency, the procedure laid down in clause (c) in respect of goods brought through Railway shall be followed.

(e) *Checking of Railway record.*—The Incharge of the Octroi out-post shall compare the entries made in the register in form No.3 with the delivery book of the Railway at such intervals as may be fixed by the Board, and if goods have been delivered without being produced at the Octroi out-post and without paying the octroi due, a report shall immediately be submitted to Octroi Superintendent for recovery of Octroi and penalty thereon in accordance with the provisions of the Act and the rules.

(f) *Goods imported through post parcels.*—Every person, receiving goods within a municipality by means of a post parcel delivered to him directly or through a Bank, shall produce such parcel unopened within seven days from the date of taking delivery, at the octroi out-post declared for the purpose by the Board for examination and payment of octroi.

(g) *Goods brought by Motor Transport Agencies.*—The procedure for levy of octroi in the case of goods received through Goods Motor Transport Agencies shall be the same as provided in clauses (a) and (b) and (c) but the following facilities may be allowed by the Board to those Agencies who, undertake to enter into an agreement

in writing with the Board binding themselves to follow the necessary instructions regarding the maintenance of records, inspection of all the relevant trade books, papers and stocks by the octroi officials and the procedure for payment of octroi and release of goods and also undertake to credit such amount of security deposit as may be determined by the Executive Officer from time to time in each case:—

- (i) The goods brought by such Agencies shall be allowed to pass the octroi out-post if they tender a copy of the challan containing the particulars of consignment under every goods receipt meant for the particular municipal area duly signed by the competent official of the agency to the incharge of the octroi out-post who shall after receipt of the challan, issue a pass in form No. 4 and enter the particulars in the Register maintained by him in form No. 3.
- (ii) The goods so brought shall be kept in a ware-house or godown of the Agency concerned which shall not release the goods unless the octroi is paid according to the procedure laid down for the goods brought by Railway goods train mentioned in clause (c) with the following variation:—
  - (a) That the bill cum-receipt in form No. 2 if issued by the octroi office shall also be in triplicate, a copy thereof to be sent at the concerned out-post to enable the Incharge of it to make necessary entry in the Register, maintained in form 3.
  - (b) The goods brought by such agencies for transport outside the municipal limits shall be allowed to pass without any deposit.

11. *Goods for immediate transportation.*—(1) In case goods for immediate transportation, the Incharge of the octroi out-post shall draw up in triplicate a transit pass in form No. 5, after receiving by way of deposit such amount as may be equivalent to the amount of octroi payable therein, the first copy of which shall be retained in the Transit Pass Book as counterfoil, the second copy shall be given to the person bringing the goods and the third copy shall be forwarded to the Octroi Superintendent.

(2) The maximum time to be allowed for transit shall not exceed four hours:

Provided that the Octroi Superintendent, may, for exceptional reasons to be recorded in writing extend the time of transit for a period not exceeding eight hours:

Provided further that the Executive Officer may for very special and exceptional reasons & circumstances viz. break down

of machinery, flood etc. to be recorded in writing extend the time of transit for a period not exceeding twenty four hours in aggregate.

(3) The goods so brought within the municipal limits shall be transported outside the municipal limits within the time specified in the transit pass. The transit pass issued as aforesaid shall be delivered back at the octroi out-post of exit of which the Incharge of the octroi out-post after satisfying himself that the goods being transported are those covered by the transit pass, shall pay to the person delivering the transit pass the amount of octroi deposited, obtain a receipt from him for the amount so paid, make an entry about such payment on the transit pass and allow the goods to be transported outside the municipal limits. He will transmit the Transit pass to the Octroi Superintendent who will pass it on to the Incharge of the issuing out post who shall paste it on its counterfoil.

(4) If the person to whom the transit pass has been issued presents himself with the goods at the octroi out-post mentioned in the pass after the expiry of the time limit given in the transit pass, the Incharge of the octroi out-post shall immediately make a report of this fact to the Octroi Superintendent for further action.

(5) If the goods covered by the transit pass are not transported outside the municipal limits, the person bringing the goods shall give notice therefor stating the reasons to the Octroi Superintendent or the Incharge of the Octroi out-post and obtain a receipt of octroi duty chargeable against which the amount of deposit shall be adjusted.

(6) The Incharge of the octroi out-post shall also report, without unnecessary delay, in writing to the Octroi Superintendent all cases in which the Transit pass issued by him is not received back within two days of the day following the day on which the Transit pass was issued. On receipt of such report, the Octroi Superintendent shall enquire into the matter and take action in accordance with these rules.

(7) The Octroi Superintendent shall, in course of his inspections, see that instructions regarding transit passes are strictly complied with.

### CHAPTER III

12. *Goods for temporary detention and eventual transportation.*—(1) In the case of goods meant for temporary detention within the municipal limits and eventual transportation out of the same, the goods shall be sent direct to the bonded warehouse to be stocked as provided in rule 16 along with an employee of the Board with a pass in duplicate in form 4.

(2) The warehouse keeper shall compare the goods with the particulars given in the pass and return a copy of the pass duly verified to the Incharge of the octroi out-post who shall paste the same on the counterfoil.

13. *Facilities for current accounts.*—(13) The Board shall maintain a list, in form 6 of all persons whether firms or individuals allowed special facilities under section 133 of the Act for the payment of octroi. The list shall be kept corrected up-to-date and a copy of the list signed by the Executive Officer shall be kept at each octroi out-post.

(2) The person to whom such facilities are given, printed books of entry passes in duplicate shall be supplied in form No 7 on payment of such price as may be fixed by the Board. When such a person wishes to bring his goods into the municipality, he shall fill up the entry pass and send it to the octroi out-post. If he does not send an entry pass, the goods shall be dealt with under the ordinary rules. On receipt of the entry pass, the incharge of the octroi-outpost shall see that the person who has signed it is named on his list; and if so, he shall, after satisfying himself that the goods agree with the details entered in the entry pass, fill up the certificate at the foot thereof as well as the coupon. He shall then tear off the coupon, deliver it to the person who presents the entry pass, and admit the goods named in the pass. He shall send the entry passes to the Octroi Superintendent, where they shall be examined that the certificate covers the details of the entry pass and the amount of octroi due shall be debited to the account of the person concerned.

(3) The persons to whom special facilities have been given for rebooking or transportation of goods outside the municipal limits immediately after taking delivery, a printed book of transport passes shall be supplied in form No. 5 on payment of such a price as may be fixed by the Board. When such a person wishes to transport his goods from the municipality, he shall fill up a Transport pass and send it with his goods to the octroi out-post of exit. On receipt of the Transport pass, the Incharge of the octroi out-post shall see that the person who has signed it is named on the list; and if so, he shall, after satisfying himself that the goods to be transported agree with the details entered in the Transport pass, fill up the certificate at the foot thereof as well as the coupon. He shall then tear off the coupon and deliver it to the person who presents the Transport pass. He shall send the Transport passes to the Octroi Superintendent, where they shall be examined to see that the certificate covers the details of the transport pass and shall be filed separately under the name of each such person.

(4) In cases provided for in sub-rule (3) the amount of octroi duty payable shall be based on the total amount of the octroi as shown by the entry passes less the total amount of goods transported outside the municipal limits as shown by the transport passes.

(5) Payments by such person shall be made strictly in advance; and at the expiry of his period for which facilities have been given, the name of the person shall immediately be struck off.

14. *Determination of the value of goods for assessment of octroi.*—(1) Before the octroi duty is paid the original invoice (bizak) bearing the signature of the selling dealer or the despatching agent, if any, shall be produced and may be considered valid and accepted as evidence of the value of the goods. The original or its copy produced by the person bringing the goods shall be pasted on the bill-cum-receipt in form 2.

(2) All goods, on which an advalorem octroi is leviable will be taxed according to their full value as given in the original bill or invoice (Bizak).

*Note*—Full value includes all taxes or excise duty and charged but does not include Railway freight, commission or other incidental charges on the goods.

(3) If the person bringing the goods fails to produce the invoice or bill of the goods being brought by him, or he refuses to furnish the information as required under Rule 8, the Incharge of the octroi out-post shall forward the goods to the Octroi Superintendent under the charge of a municipal employee for appraisement and recovery of the octroi due.

(4) The Octroi Superintendent on receipt of such goods shall appraise the same as per market rate with the assistance of at least two dealers dealing in the same commodities and shall levy the octroi due.

(5) If the invoice is subsequently received and presented by such person within thirty days of the date of payment of octroi after appraisement of goods by the octroi Superintendent, the amount of octroi charged in excess, if any, shall be refunded.

(6) If there is any dispute between such person and the Octroi Superintendent regarding acceptance of the invoice or bill value, the matter shall be decided by the Executive officer.

15. *Authority for inspecting octroi Bill-cum-receipts.*—Every person bringing the goods within the municipal limits shall on demand, permit any octroi officer not below the rank of octroi moharrir to inspect any octroi Bill-cum receipt of goods liable to payment of octroi.

## CHAPTER IV

### *Bonded Warehouse*

16. Any person bringing dutiable goods within the municipal limits may apply to the Warehousekeeper for temporary custody of goods which he desires to deposit in bond or in respect of which there is a dispute as regards the payment of octroi in the Municipal Warehouse or in a Warehouse licensed by the Board in terms and conditions laid down in form No. 8 subject to the provisions of the Rajasthan Warehouse Act, 1958 (Act No. 48 of 1958).

17. *Form of application.*—Every such application shall be in writing signed by the applicant and shall be in form No. 9.

18. *Time limit.*—(1) The maximum period for which the goods can be placed in the bonded warehouse shall be three months.

(2) If the goods are not removed within the time limit prescribed, the Warehouse keeper shall serve a notice on depositor to remove the goods within a week from the date of receipt of such notice. If the depositor fail to comply with the notice, the goods shall be sold by public auction and the Warehouse fee and octroi if any together with the expenses incurred in respect of these goods if any, shall be recovered from the sale proceeds and the balance shall be remitted to the depositor or if he is not traceable, to the Board an unclaimed amount.

19. *Detention of goods in bonded Warehouse.*—Persons bringing goods within municipal limits who are unable or unwilling to pay the octroi or are dissatisfied with the amount of octroi demanded shall leave it or take such goods to the bonded warehouse, to be detained there until the octroi is paid:

Provided that in exceptional cases, with the sanction in writing of the octroi Superintendent persons bringing goods within Municipal limits who are strangers and are unable to pay the octroi may be permitted to remove the goods on their depositing at their risk with the octroi superintendent valuable security of the value of double the amount of octroi chargeable which the octroi superintendent will, subject to the orders of the Executive Officer be at liberty to sell by public auction unless it is redeemed within three days on payment of the octroi duty:

Provided that the Executive Officer may for reasons to be recorded in writing extend the period of redemption for a period not exceeding of one week.

20. *Entry and receipt of goods.*—On goods arriving at the bonded warehouse, the warehouse keeper shall at once make an entry of the goods in his register in form No. 10 after comparing them with the pass in form No. 4 invoice (Bijak or Railway Receipt). The signature of the person bringing the goods or his agent shall be obtained in the register both when the goods are stored and when they are removed. The pass shall be filed and voucher in the bonded warehouse office. A receipt in form 11 shall also be given by the Warehouse keeper to such person for the goods deposited in bond. The invoice Bijak or Railway receipt will be returned after they have been initialed, dated and stamped by the Warehouse keeper who shall also endorse thereon the number assigned to the entry in his register.

21. *Release of goods from bonded warehouse.*—When the person bringing the goods bonded under the foregoing rules desires to

export the same he shall apply to the Warehouse keeper for the release of his goods showing him the receipt (form No. 11). The warehouse keeper having satisfied himself from the register about particulars and identification of the goods mentioned in the application and the receipt, shall release the same on payment of prescribed fee for custody and obtain the signature of such person in the register. A receipt in form No. 12 shall be given by the Warehouse keeper for the amount of fees recovered under these rules.

22. *Clearance of a portion allowed.*—A portion of a consignment deposited may be cleared from the bonded warehouse either for transportation outside the Municipal limits or on paying the octroi thereon for consumption use or sale within the Municipal limits, without rendering the balance of the consignment liable to payment of octroi.

23. *Issue of passes to person transporting the goods.*—A transit pass in form No. 5 shall be granted to person transporting the goods outside the Municipal limits by Warehouse keeper with conditions similar to those provided in Rule 11.

24. *Time for release of goods.*—Goods shall not be removed from the bonded warehouse except between the hours of 10 a.m. and 5 p.m. or between such other hours as the Board may fix from time to time.

25. *Removal of the goods released.*—If the goods released from bond under rule 20 or 22 be not transported outside the Municipal limits until the third day from the date of release such person shall be bound to give, or cause to be given written intimation to the octroi Superintendent and to pay the octroi chargeable thereon and a bill-cum-receipt in form No. 2 shall be given for the octroi paid.

26. *Fees for bonded warehouse.*—(a) In return for the accommodation provided in the bonded warehouse a fee of ten naya paisa for every article, bale or package weighing not more than 2 quintals shall be charged for every day or part thereof during which the goods remain in the bonded warehouse.

(b) For articles, bales or packages weighing more than to quintals each, the fee shall be charged at double the rate prescribed above.

27. *Payment of fees.*—All fees due for goods deposited in the bonded warehouse shall be paid before the goods are removed from the bonded warehouse.

28. *Watch and Ward.*—A sufficient watch and ward shall be maintained by the Municipal Board to ensure the safe custody of the goods in bond. The owners or depositors or however, will be at liberty to employ at their own cost their own watchment (Chawkidars) in addition.

29. *Non-liability of the Municipality for damage to or loss of goods in the bonded warehouse.*—Every reasonable care shall be taken of goods deposited in the bonded warehouse but persons depositing goods therein shall have no claim to compensation for any damage or loss bonded warehouse or while they remain therein unless such damage or loss shall be proved to have been occasioned by the willful act or neglect of the officials in charge of the bonded Warehouse or other Municipal Official charged with the safe custody of the goods.

30. *Inspection of bonded warehouse.*—The Octroi Superintendent and the Executive Officer shall visit the bonded warehouse at least four times a week and once a month respectively, and satisfy themselves that the work is properly done there.

31. *Detention of goods upon evasion of payment of octroi* —  
(1) If the octroi Superintendent considers that any person is evading or attempting to evade the payment of octroi on any goods which are being brought into the Municipal limits he may detain such goods reporting his doing so without delay to the Executive Officer.

(2) If the Executive Officer determines that octroi is payable upon such goods and the person is not prepared to pay the amount of octroi declared by the Octroi Superintendent the goods shall be sent to the bonded warehouse and shall be dealt with in accordance with the provision of this chapter.

32. *Access by the owner.*—The owner of goods deposited in the warehouse shall at any time within the hours of business have access to his goods in the presence of warehouse keeper.

33. *Cancellation of the licence of private warehouses.*—When the licence of any private warehouse is cancelled the warehouse keeper shall give notice of such cancellation to the owners of goods deposited in such warehouse to remove the same within seven days from receipt of such notice after making payment of warehouse dues and octroi if any.

34. *Identification of packages.*—The number of register assigned to the consignment when deposited in the warehouse should be marked on all the packages for purposes of identification. The register number should be shown as numerator and the number of packages in the sequence as denominators.

## CHAPTER V

### *General*

35. *Person bringing goods to pay expenses incidental for compliance with these rules.*—The unloading of all goods and the bringing of them to the proper place for examination or weighing and the putting of them into and out of the scales, and the opening unpacking and numbering of goods, where such operations are

necessary and the packing and removing of goods to and the placing of them in the proper place of deposit shall be performed by or at the expense of the person bringing such goods within the Municipal limits.

36. *Allowance to be made for packing material.*—To arrive at the net weight of the goods brought within the Municipal limit or transported outside the Municipal limits for purposes of levy of octroi duty, reasonable allowance for packing material or tare shall be allowed at a scale fixed by the Board from time to time.

37. *Octroi schedule to be displayed.*—A copy of octroi schedule in Hindi shall be displayed at a prominent place in the Municipal office and at each octroi out-post.

38. *Power of compounding of offences.*—Any offence committed by any person under these rules may be compounded according to the provisions of Rajasthan Municipal (Compounding of offences) Rules, 1961.

39. *Penalties.*—If any person who intentionally evades or attempts to evade the payment of octroi duty on any goods brought within the Municipality or infringes or attempts to infringe any of the provisions of the foregoing rules or in any way obstructs the Board or their servants in the performance of their duties connected with octroi duty under these rules shall on conviction before a magistrate, be liable to a fine which may extend to Rs. 500/- or ten times of the octroi duty whichever is less.

40. *Appeals*—Any person aggrieved by an order of the octroisuperintendent or the Executive Officer as the case may be may within thirty days from the date of such order, exclusive of the time requisite for obtaining a copy thereof appeal to the :—

1. Executive Officer, in the order appealed from is passed by the Octroi Superintendent, and
2. To the Board where the order appealed from is passed by the Executive Officer.

By Order of the Governor,  
B. L. MEHTA,

*Dy. Secretary to the Government.*

Form No. 1

*Under Rule 9 (2)*

Form of Declaration

I/We ..... S/o .....  
R/o..... hereby declare that the un-  
(full address

dermentioned goods consigned to brought by me/us are intended for:—

(a) Immediate transportation from the Municipal limits through ..... octroi out-post.

Or

(b) Temporary detention within the Municipal limits sub/ eventual exportation.

1. Description of goods.
2. Weight.
3. Quantity.
4. Value
5. Identification mark.
6. Particulars of conveyance.
7. Remarks.

*Signature of the Witness*

*Signature of the Importer.*

*Dated.*

*Dated.*

### FORM No. 2

*(Under Rule 10 (2) (a) (b) and (c)*

#### Octroi Bill-cum.Receipt

Municipal Board/Council....  
 Book No. .... S. No.....  
 Name of Octroi out-post ..... Date.....  
 Name of the importer..... S/o .....  
 R/o.....

Description of goods.	Quantity or value.	Rate	Amount
			Rs. nP.

Total

Railway Goods Receipt No ..... Dated..... place  
 of despatch.....  
 Pass No..... dated.....

*Signature of the importer*

*Signature of the in-charge Octroi  
out-post.*

### FORM No. 3

*(Under Rule 10 (2) (c) and 10(2) (g)*

*Municipal Board/Council .....*

#### Register of Railway Receipts and goods Receipts.

S. No.	Name of importer with full address.	No. and date of Railway Receipt or goods receipt.	Place of Import.
--------	-------------------------------------	---	------------------

No. Dated

1

2

3

4

Description of Goods.		Octroi receipt		Signature of importer.	Remarks.
Particulars	Weight Quantity.	Value No.	Date	Amo. Rs. np.	
5		6		7	8

## FORM No. 4

(Under Rule 10 (1) (b) &amp; 12)

Pass

Municipal Board/Council.....  
 Book No..... S. No.....  
 Name of Octroi out-post..... Dated.....Time  
 Name of the importer..... S/o.....  
 B/o.....

1. Description of goods.
2. Weight.
3. Quantity.
4. Value.
5. Description of conveyance.
6. Amount of octroi leviable.

1. Rate.
2. Amount.

7. Place of Import.
8. Particulars of Railway Receipt or goods receipt.
9. Time allowed up to.....(hours) on.....
10. Remarks.

Signature of the importer

Signature of the Incharge of the officer out-post.

## CERTIFICATE

Certified that the goods weight ..... quantity..... mentioned in the pass have been deposited in the warehouse and entered at register No....../have been assessed and octroi charged vide receipt No..... dated.....for Rs....

Dated

Signature of the officer-in-charge of the octroi out-post of exit

## FORM No. 5

Transit/Transport

Pass

(Under Rule 11 (1) &amp; 13 (3))

Municipal Board/Council.....  
 Book No ..... S. No.....  
 Name of Octroi out-post of entry. Date..... Name .....  
 Name of the importer. S/o .....  
 R/o .....

1. Description of goods.
2. Weight.
3. Quantity.
4. Value.
5. Description of conveyance.
6. Place of import.
7. Amount of octroi leviable.

1. Rate
2. Amount

8. The amount of Deposit recovered Rs.....
9. Time allowed up to ..... (hours) on ..... date
10. Name of octroi out post exit.
11. Identification marks on goods.
12. Remarks.

Signature of the Importer

Signature of the Incharge octroi  
out-post

## CERTIFICATE

Certified that the goods have been checked and tallies with the description and weight etc. as mentioned in the pass, passed out of municipal limits in my presence.

Date

Signature of the In-charge of the  
octroi out-post of exit

Receipt.

Received.....(in words)  
 on account of octroi deposited.

Date

Signature of the payee

## FORM No. 6.

List of firms/individuals allowed special facilities under Section 193 of the Rajasthan Municipalities Act, 1959.

*Municipal Board/Council..... Valid up to .. ..*

S. No.	Name and Address of the party.	Monetary limit to which facility has been granted	Specimen signature of the authorised agent of the party.	Remarks.
--------	--------------------------------	---	--	----------

1	2	3	4	5
---	---	---	---	---

*Dated the*

*Signature of the Executive Officer.*

FORM No. 7

Book No.....

S. No.....

*(See Rule 13 (2))*

Entry Pass.

*To*

The Officer Incharge,

Octroi out post .....

The goods described below are being brought within the Municipal limits.

S. No.	Place from where brought	Description of the goods	Weight	Gross Yore Net	No.
--------	--------------------------	--------------------------	--------	----------------	-----

Value	Rate of octroi	Amount of octroi	Basis of assessment	Remarks
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It is requested that the aforesaid goods may kindly be allowed to be brought within the Municipal limits and the amount of octroi totalling Rs.....may be debited to our account.

*Signature of the authorised agent.*

*Address.*

*Date :*

For use at the Octroi Out-post of entry.

Certified that the goods agree with the details entered in the pass, and that the assessment of octroi duty is correct.

*Date :*

*Signature of the Octroi out-post.*

## COUPON

The goods described below have been allowed to be brought within Municipal limits on the basis of entry of pass No.....

dated the..... issued by..... (Name and Address of the party). on..... (date ,, ,, time.....).

Description of Goods.

Weight & Quality.

Value.

Rate of Octroi

Amount of Octroi.

*Signature of the Incharge-Octroi Out-post.*

*Dated the.....*

### FORM No. 9

#### Application Form for Bonded Warehouse.

(Under Rule 17).

I/we... ..S/o.....  
R/o.... .. (full address) request that the goods mentioned below may kindly be allowed to be deposited in bonded warehouse.... .. I/We shall abide by all provisions of the Rajasthan Municipal Octroi Rules.... .. and the Rajasthan Municipalities Act, 1959 other laws in force relating to the warehouse.

1. Description of goods.

2. Weight.

3. Quantity.

4. Value.

5. Pass No ..... dated.....

6. Remarks.

*Date.....*

*Signature of the Importer*

### FORM No. 10.

( Under Rule 21 )

#### Bonded Warehouse Register.

Municipal Board/Council.....

Bonded Warehouse.....

Sl. No.	Date of Deposit	Name of Depositor with full address	No. and date of pass		Description of goods.			
			No.	Date	Particulars	Weight/Quantity	Value	Identification marks
1	2	3	4					5

## FORM No. 11

( Under Rule 20 )

### Receipt for Goods for Temporary Storage.

Warehouse.....

Book No.

S. No.....

Date.....

1. Name of depositor.
2. Description of goods.
3. Number of packages.
4. Weight, Value or number of goods.
5. Identification marks.
6. Place of import.
7. Pass No.....Date.....Out post.....
8. Serial number of the bonded warehouse register.
9. Remarks.

Signature of the Warehouse keeper

FORM No. 12 (Under Rule 20)	FORM No. 12 (Under Rule 20)	FORM No. 12 (Under Rule 20)
Municipal Board/Council.....	Municipal Board/Council.....	Municipal Board/Council.....
Warehouse.....	Warehouse.....	Warehouse.....
Receipt for Fees.	Receipt for Fees.	Receipt for Fees.
Book No.....S. No.....	Book No.....S. No.....	Book No.....S. No.....
Date.....	Date.....	Date.....
1. Name of Depositor.	1. Name of Depositor.	1. Name of Depositor.
2. Description of goods.	2. Description of goods.	2. Description of goods.
3. Number of packages.	3. Number of packages.	3. Number of packages.
4. Period for which fee is levied.	4. Period for which fee is levied.	4. Period for which fee is levied.
5. Amount of fee received.	5. Amount of fee received.	5. Amount of fee received.
6. Reference of bonded warehouse register.	6. Reference of bonded warehouse register.	6. Reference of bonded warehouse register.
No.....dated.....	No.....dated.....	No.....dated.....
7. Remarks.	7. Remarks.	7. Remarks.
Signature of the Depositor.	Signature of the Depositor.	Signature of the Depositor.
Signature of the Warehouse keeper.	Signature of the Warehouse keeper.	Signature of the Warehouse keeper.

# RAJ. MUNICIPALITIES (OCTROI) RULES, 1962

Local Self-Government Department  
Notifications

Jaipur, February 19, 1963

*No. F. 8 (6) LSG/61/1.*—In exercise of the powers conferred by section 297 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) read with section 104 thereof, the State Government hereby makes the following amendment in the Rajasthan Municipalities (Octroi) Rules, 1962, hereinafter referred to as the said Rules, namely:—

## AMENDMENT

In the said Rules, in sub-rule (2) of rule 1, for the words “three months”, the words “five months” shall be substituted.

Local Self-Government Department  
NOTIFICATION

Jaipur, March 20, 1963

*No. F. 8 (6) LSG/61.*—In exercise of the powers conferred by Section 297 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), read with section 104 thereof, the State Government hereby makes the following amendments to the Rajasthan Municipalities (Octroi) Rules, 1963 (first published in Rajasthan Gazette, Extra-ordinary, Part IVC, dated the 20th November, 1962), namely:—

1. (1) These Rules may be called the Rajasthan Municipalities (Octroi) (Second Amendment) Rules, 1963.

(2) They shall come into force after the expiry of one month from the date of their publication in the official Gazette.

2. In rule 10 of the Rajasthan Municipalities (Octroi) Rules, 1962, hereinafter referred to as the principal Rules, in sub-rule (2), in part (g), in clause (ii) (b), after the words “without any deposit”, the following shall be added, namely :—

[If such goods are transported outside such limits within three days of the date on which they were brought in the municipal limits.

Provided that the Executive Officer may, for exceptional reasons recorded in writing, extend such time limit for a period not exceeding four days in aggregate]

3. In rule 11 of the principal Rules.—

(a) after sub-rule (1), the following sub-rules shall be inserted, namely :—

[(1A) The person bringing the goods for immediate transportation may, instead of depositing under sub-rule (1) of this rule the amount equivalent to the amount of octroi payable on goods, pay to the Incharge of the octroi outpost Rs. 250 nP. per vehicle as charges for escorting the goods outside the municipal limits and on payment of such amount the employee of the Board shall be sent by the Incharge or such outpost to accompany the goods from such import octroi outpost to the export octroi outpost to see that such goods are actually exported out of the municipal limits; the amount so received by way of escort charges shall be credited to the municipal fund”; and

(1B) The goods meant for immediate transportation outside the municipal limits shall be sealed by the Incharge of the octroi outpost and it shall be the duty of the person bringing the goods to see that such seal is not broken until the goods are transported outside the municipal limits.]

(b) in the proviso to sub rule (2), the words “in aggregate” occurring at the end shall be omitted; and

(c) in sub-rule (3), after the words “after satisfying himself that the goods being transported are those covered by the transit pass”, the words “and the seal affixed under sub-rule (1B) has not been tampered with” shall be inserted.

4. After rule 11 of the principal Rules, the following new rule shall be inserted, namely :—

11A If any travelling agent brings any goods for sale or for exhibiting them for the purpose of securing orders for sale thereof, such agent shall pay by way of deposit such amount as may be equivalent to the amount of octroi payable on such goods and if such agent carries back whole or part of such goods out of municipal limits within a period of 7 days from the date on which such goods were brought in such limits, he may claim refund in such manner as the Board may, by bye-laws, specify, of the octroi paid by him on such whole or part of goods, as the case may be.

5. In rule 13 of the principal Rules.—

(a) in sub-rule (3), the words “for retook or transportation outside the Municipal limits immediately after taking delivery” shall be omitted;

(b) to sub-rule (4) of rule 13 of the principal Rules, the following proviso shall be added, namely :—

[Provided that in computing the octroi duty payable under sub-rule (4) the goods transported outside the municipal limits shall be lessened only if such goods have not been sold within the municipal limits and that if they have been exported out of such limits within a period of three months from the date of their import in such limits.]

6. In rule 16 of the principal Rules, the words “subject to the provisions of the Rajasthan Warehouses Act, 1958 (Act No. 48 of 1958)” occurring at the end, shall be omitted.

7. In sub-rule (1) of rule 18 of the principal Rules, for the words “three months”, the words “six months” shall be substituted.

8. In rule 26 of the principal Rules,—

(a) after the words and punctuation marks “Fees for bonded warehouses—”, the brackets and figures “(1)” shall be inserted;

(b) in sub-rule (1), for the words “a fee of 10 nP.”, the words “such fee not exceeding 10 nP.” shall be substituted; and after the words “not more than 2 quintals”, the words “as may be determined by the Board with the prior approval of the Director of Local Bodies, Rajasthan” shall be inserted;

(c) in sub-rule (2), for the words “prescribed above”, the words “determined under sub-rule (1) of this rule” shall be substituted.

9. In rule 29 of the principal Rules, after the words “no claim to compensation for any damage or loss”, the words “that may occur when the goods are passed into or out of the” shall be inserted.

10. In form No. 3 appended to the principal Rules, for the words, figures, letters and brackets “(Under Rule 10 (1) (d) & 10 (1) (g))”, the words, figures, letters and brackets “(Under Rule 10 (2) (c) & 10 (2) (g))” shall be substituted.

11. In Form No. 4 appended to the principal Rules,—

(a) for the words, figures, letters and brackets “(Under rule 10 (1) (b) & 12)”, the words, figures, letters and brackets “(Under rule 10 (2) (b) & 12)” shall be substituted;

(b) after the words “signature of the Incharge of the octroi outpost”, occurring for the first time the words and mark “/warehouse-keeper” shall be inserted;

(c) after the words “signature of the officer Incharge of the octroi outpost of exist”, occurring at the end, the words and mark “/warehouse-keeper” shall be inserted.

12. In form No. 5, the following shall be added at the end, namely:—

[(For use in respect of transpost passes)

### COUPEN

The goods described below have been transported outside the Municipal limits at ..... (time), on .....(date):—

1. Name & Address of the owner.
2. Description of goods.
3. Weight or quantity.
4. Value.
5. Rate of octroi.
6. Amount of octroi.

Signature of the Incharge of octroi  
outpost.]

13. After Form No. 7 appended to the principal Rules, the following new Form shall be inserted, namely :—

### FORM No. 8

(See Rule 16)

### LICENCE FORM

(1) The licensee shall produce a sketch of the building or room in which he intends to warehouse the goods for the approval of the Board.

(2) The approval of the sketch of the building or the room, as the case may be, shall be the private warehouse for the purpose of storing goods under these rules.

(3) The warehouse shall be locked and secured properly by the owner.

(4) The warehouse shall be for the exclusive use of the licensee and for warehousing his own goods and of others, if so approved by the Board, and he shall not admit to the warehouse any goods on which octroi duty has been paid.

(5) The licensee shall, at the time of depositing the goods in the warehouse execute a bond in the proper form binding himself in a sum which may at the Board's discretion extend to the amount equivalent to the amount of octroi duty assessed on such goods.

(6) The licensee shall, pay on demand, all taxes, rent and charges, claimed on such goods due under the Act or rules together with the interest on the same from the date of demand at such rate not exceeding 6% per annum as may, for the time being, be fixed, by the Board.

(7) The licensee shall pay all penalties imposed for contravention of the provisions of the Act or these rules or the breach of any of the conditions of the licence in respect of such goods.

(8) If any Officer of the Board is specially deputed to accompany the licensee for the purpose of sorting the goods or affecting delivery, an allowance as may be fixed by the Board, shall be paid in advance which shall be credited to the Municipal Fund (such allowance can also be fixed on monthly basis).

(9) The monthly rent and other charges etc. of the warehouse shall be borne by the licensee.

(10) The licensee shall pay a licensee fee of Rs. 6/- per quarter to the Board.

(11) The Board can revoke its approval of the warehouse if the licensee is found to have committed any breach of the conditions and rules and upon such revocation, all goods warehoused therein; shall be removed as the Board Directs on payment of octroi duty and all other charges in respect of any such goods.

(12) All goods brought for warehousing shall be produced before the Warehouse Keeper together with the relative pass for verification of goods and other details.

(13) No goods shall be removed from the warehouse except on payment of octroi duty unless otherwise provided in these rules.

(14) If the licensee or any person in his employment or with his connivance:—

- (a) opens any of the locks or doors of the warehouse or makes or obtains excess into such a warehouse except in the presence of the warehouse keeper; or
- (b) after the approval of the warehouse premises makes any alteration therein or addition thereto without the previous consent of the Board; or
- (c) warehouses goods in or remove goods from a warehouse otherwise than as provided by the rules; or
- (d) removes or conceals any goods either before or after they are warehoused;

shall, on conviction by Magistrate, be laible to a fine which may extend to five hundred rupees.

By Order of the Governor,  
S. P. SINGH,  
Secretary to the Government.

*Notification No. F. 8. (6) LSG/61 Pt. II./13943—14200.—*

In exercise of the powers conferred by section 297 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959), read with section 104 thereof, the state Government hereby makes the following amendments to the Rajasthan Municipalities (Octroi) Rules, 1962, namely:—

1. (a) These Rules may be called the Rajasthan Municipalities [Octroi] [Fourth Amendment] Rules, 1964.  
 (b) They shall come into force after the expiry of one month from the date of their publication in the Rajasthan Rajpatra.
2. In rule 2 of the Rajasthan Municipalities [Octroi] Rules, 1962 thereinafter referred to as the principal Rules, in sub-rule [1], after clause [f], the following new clause shall be added, namely:—  
 “(g) ‘sale’ means the contract of sale as defined in section 4 of the Sale of Goods Act, 1930 (Central Act 3 of 1930)”.
3. In rule 11 of the principal Rules,—  
 (a) in sub-rule [1-A], for the words “the employee of the Board shall” the words and punctuation marks “a receipt in Form No. 2 shall be given to such payer. The employee of the board shall then” shall be substituted  
 (b) the existing sub-rule (1-B) shall be deleted.
4. In rule 12 of the principal Rules, in sub-rule (1), for the figure “4” the figure “5” shall be substituted.
5. In rule 39 of the principal Rules, for the words and figures “Rs. 500 or ten times of octroi duty, whichever is less”, the words, figures and comma “Rs. 50 or ten times of octroi duty, whichever is greater” shall be substituted.

[Published in Raj. Gaz. 4 (Ga)—Dt. 20-8-1964]

*Notification No. 31480 F. 8 (6) L S G/61 Pt. II.—*In exercise of the powers conferred by section 267 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959) read with section 104 thereof the State Government hereby makes the following amendment to the Rajasthan Municipalities (Octroi) Rules, 1962, namely:—

#### AMENDMENTS

In rule 11 of the said rules, for sub-rule (1-A), the following shall be substituted:—

The person bringing the goods for immediate transportation may, instead of depositing under sub-rule (1) of this rule amount equivalent to the amount of (octroi) payable on goods, pay to the In-charge of the (Octroi) out-post such charges for escorting the goods outside the Municipal limits, as may be fixed by the Board, and on payment of such amount a receipt in Form No. 2 shall be given to such payer. An employee of the Board shall then be sent by the Incharge of such out-post to accompany the goods from such import (Octroi) out-post to the export out-post to see that such goods are actually exported out of the municipal limits. The amount so received by way of escort charges shall be credited to the Municipal fund."

[Pub. in Raj. Gaz., Part IV (Ga)—Dt. 19-11-64].

Local Self Government Department  
Jaipur, October 7, 1965.

*Notification No. Tax/F. 8 (6) LSG/61/32712.*—In exercise of the powers conferred by section 297 read with section 104 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959) the State Government hereby makes the following amendments to the Rajasthan Municipalities Octroi Rules, 1962, namely:—

#### AMENDMENTS

1. The following shall be substituted for item [g<sup>1</sup>[ii] [b] of sub-rules [2] of rule 10 of the said rules, namely:—

(b) The goods brought by such agencies for transport outside the Municipal limits shall be allowed to pass without any deposit if such goods are transported outside such limits within seven days of the date on which they are brought in the municipal limits:

Provided that the Executive Officer may for exceptional reasons recorded in writing extend such time limit for a period not exceeding three days.

2. In the Proviso to sub-rule (4) of Rule 13 of the said Rules for the words "three months" the words "six months" shall be substituted.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 7-10-65—Page 407]

Local Self Government Department  
Jaipur, September 27, 1965.

*Notification No. Tax/F. 8 (6) LSG 61.*—In exercise of the powers conferred by section 297 read with section 104 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the State Government hereby makes the following amendments to the Rajasthan Municipalities Octroi Rules, 1962, namely:—

## AMENEMENTS

1. The following shall be substituted for item (g) (ii) (b) of sub-rules (2) of rule 10 of the said rules, namely:—

(b) The goods brought by such agencies for transport outside the Municipal limits shall be allowed to pass without any deposit if such goods are transported outside such limits within seven days of date on the which they are brought in the municipal limits:

Provided that the Executive Officer may for exceptional reasons recorded in writing extend such time limit for a period not exceeding three days.

2. In the proviso to sub-rule [4] of rule 13 of the said Rules for the words "Three months" the words "six months" shall be substituted.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 11-11-65 Page 375]

Local Self Government Department

Jaipur, October 3, 1965

*Notification No. F. 8 (6) LSG/61/32685.*—In exercise of the powers conferred by section 297 read with section 104 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the State Government hereby makes the following amendment to the Rajasthan Municipalities (Octroi) Rules, 1962, namely:—

## AMENDMENT

After sub-rule (6) of rule 14 of the said rules, the following shall be added, namely:—

“(7) In case the incharge octroi outpost charges any excess amount of octroi due to some error, mistake or by wrong calculation, the amount, so charged, in excess, shall, on the application of the payee within thirty days of the deposit of octroi amount, be refunded to him after verification of the correctness of the amount.”

[Pub. in Raj. Gaz. 4 (Ga) Dt. 17-2-66 Page 548]

Local Self Government Department

Jaipur, September 9, 1965.

*Notification No. F. 8 (6) LSG/61.Pt II.*—In exercise of the powers conferred by section 297 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), read with section 104 thereof, the State Government hereby makes the following amendment to the Rajasthan Municipalities (Octroi) Rules, 1963, namely:—

## AMENDMENT

1. In the said Rules, after rule 11-A the following new Rule shall be added:—

“11-B. Any travelling agent, hawker or pedestrian who resides within the Municipal limits takes out his goods for sale or for exhibiting them for the purpose of securing orders for sale outside the municipal limits such agent, hawker or pedestrian as the case may be, shall give a complete list of such articles in duplicate to the in-charge octroi outpost who shall return one copy thereof to him duly signed in token of having received such list and when such travelling agent, hawker or pedestrian as the case may be, brings back whole or part of such goods within the municipal limits within a period of 15 days from the date on which such goods were taken out of the municipal limits, the in-charge octroi outpost shall verify the goods from the list and after satisfying himself that the goods were the same as mentioned in the list, allow such goods to pass within the municipal limits without charging any octroi therefor.”

[Pub. in Raj. Gaz. 4 (Ga) Dated 17-2-66 page 549]

# The Rajasthan municipalities (Use of Vehicles) Rules, 1961.

Local Self Government Department  
NOTIFICATION

Jaipur the 13th December, 1961.

No. F. 5 (187) LSG/59.

In exercise of the powers conferred by sub-section (1) of section 297 of the Rajasthan Municipalities Act 1959 (38) of 1959, the State Government hereby makes the following rules regulating the use of motor cars, jeeps, station wagons, pick-ups trucks, tractors of the municipal Boards and Councils, namely:—

1. Short title and commencement—(1) These rules may be called the Rajasthan municipalities (Use of Vehicles) Rules, 1961.

(2) They shall come into force after one month from the date of their publication in official gazette.

2. Definitions—In these rules, unless the context otherwise requires,

(1) 'Board' means a Municipal Board and includes a Municipal Council;

(2) 'Chairman' means the Chairman of a Board and includes the President of a Municipal Council;

(3) 'Executive Officer' includes the Secretary and the Commissioner.

(4) 'Form' means a Form appended to these rules.

3. Scope—These rules regulate the control and use of vehicles such as motor cars, jeeps station wagons, pick-ups, trucks, tractors etc. at the disposal of the Board for the performance of journey on duty.

4. Controlling Officer—Vehicles provided for the use of Board (whether as staff cars or otherwise) will be under the control of the Chairman who will be the controlling officer in respect of the vehicles. The controlling officer shall be responsible for the proper use, care and maintenance of the vehicles and will regulate the journeys generally in accordance with these rules.

5. Restriction for use of vehicles—The Board's vehicles are intended for use on bonafide official duty within the municipal limits. Board's vehicles shall not be used for journeys on official duty outside municipal limits without the special sanction of the Board.

6. Conditions for use of municipal vehicles—The Chairman and other members, or employees of the Board are ordinarily not entitled to be provided with a conveyance by or at the cost of the Board and are expected to make their own arrangements for conveyance.

yance. The Board may prescribe the conditions under which Board's vehicles can be used by the above mentioned persons for bonafide official duty.

*Explanations:—* 1) For the purpose of this rule, journeys of the Chairman and other members and employees of the Board from their residence to the usual place of office and vice-versa will not be treated as journeys on duty;

(2) in case of doubt, the Board will decide whether a particular journey should be treated as private or official; and

(3) The Board may prepare a list showing the Board, which may be considered official duty for use of vehicles within the municipal area.

7. Delegation by controlling officer—In the case of boards of the Class I and Class II. the duties and responsibilities of the controlling officer may be delegated with the approval of the Board to the Executive Officer.

8. Maintenance of vehicles and accounts—All vehicles of the Board should in addition to the number-plate carry prominent plates in front and at the rear indicating the name of the Board to which they belong.

9. Record of vehicles—The controlling officer shall be responsible for the maintenance in respect of each vehicle under his control, of—

(a) a long book in the Form No. 1;

(b) a register to show the cost of petrol or powerine etc consumed, incidental receipts and expenditure in Form

No 2;

(c) an inventory of equipment in Form No. 3.

10. Precautions in respect of consumption of petrol—

(1) The petrol or powerine tanks of vehicles should be fitted with locks and the keys thereof should be kept in the possession of a responsible officer, who should be present when petrol or powerine is put into the tank. The log book should be examined and signed by a responsible officer once a month when a balance should be struck showing the total fuel consumption for the month. The officer should satisfy himself that the consumption is reasonable. A report of the above shall be made at least once a month by such officer to the controlling officer.

(2) The registered number or the serial number of the vehicles should be painted clearly and distinctly on the outside walls of all tyres on the vehicles.

11. Inspection of inventory—The inventory shall be checked by the controlling officer, or on his behalf, by a responsible officer deputed by him for the purpose every month and any loss arising out of negligence or fault shall be recovered from the person concerned. A report of inspection shall be prepared and kept on record. If the inspection is carried out by the deputed officer, the report

shall be placed immediately after inspection before the controlling officer.

12. Testing of vehicle by the controlling officer—The controlling officer will have each vehicle tested every sixth month regarding fitness for journeys and place a report on record. He will also submit a half yearly report to the Board about the mileage done and the expenditure incurred on the maintenance of each vehicle.

13. Handing over on vacation of office—In the event of the controlling officer vacating the office, the vehicles shall be handed over to his successor with complete equipment and full complement of spare parts, spare wheels, tyres and tools. This list of the articles handed over shall be prepared and signed by the relieved and relieving authorities.

14. Meters—Each vehicle shall be fitted with a milometer (hour meter in case of tractors etc.) and it will be the responsibility of the controlling officer to see that the meters are kept in proper working order. As soon as a meter falls out of order immediate steps should be taken to get it repaired as the case may be. The Controlling officer should ensure that suitable lock is provided so that meter cannot be tampered with.

15. Entry in the log book—Persons using the vehicles should not in the log book in their own hand writing the mileage at the start and at the completion of their trips and certify personally that journey undertaken was on official business. The intention is that the entries in the log book should be made by those who use the Board's vehicle after personally checking the milometer.

Explanation:— It will not be sufficient merely to state the word 'official' duty. Brief mention of the business should be made to indicate the nature of duty.

By order of the Governor  
P. N. SETH  
Secretary to Government

Form No. 1 (Vide Rule 9)  
Driver's Log Book

Motor Vehicle No.					Station at.....
Date	Time		From	To	Details of Journey Route.
1	Out 2	in 3	4	5	6
Milometer	Total	Purpose of	Name of persons or particulars		
out	in	Run	journey.	of articles carried.	
7	8	9	10	11	

Authority for making the journey.	Signature of user.	Supplies.		Sundries i. e. greases
		Petrol.	Oil	
12	13	14	15	16

Petrol consumed.	Signature of Driver	Signature of Clerk	Recoveries to be effected if any		Signature of responsible officer.	Remarks.
			Rate	Amount		
			Rs.	A.	Ps.	
17	18	19	20	21	22	23

FORM No. 2 (Vide Rule No. 9)  
STOCK BOOK.

Description of articles .....

Date.	Opening balance	Number or quantity received	Cost of petrol powerine etc.	Total	To whom issued or for what purpose.
1	2	3	4	5	6

Number of quantity issued	Balance.	Signature of the Issuing Officer	Signature of the Receiving Officer	Remarks.
7	8	9	10	11

FORM 3 (Vide Rule 9)

Inventory of equipment in respect of Vehicle No.....

S.No.	Name & description of article	Date of acquirement	Quantity	Cost	Reference No. of Stock Book & No. & date of the bill in which charged for
1	2	3	4	5	6

Initials of the officer incharge	Date of disposal	Manner of disposal	No. & Date of disposal	No & Date of order.
7	8	9	10	11

Cost realised if sold or recovered.	Initials of the officer incharge.	Remarks.
12	13	14

RAJ. MUNICIPALITIES (USE OF VEHICLES)  
RULES, 1961

*Notification No Tax./F. 74 (6) (Rules) D L B /62.*—In exercise of the powers conferred by sub-section (1) of section 297 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No 38 of 1959), the State Government hereby makes the following amendment in the Rajasthan Municipalities (Use of Vehicles) Rules, 1961, namely :—

AMENDMENT

In the said Rules—

(1) the existing Rule 6 shall be renumbered as Sub Rule (1) thereof ;

(2) after Sub-Rule (1) as so renumbered, the following new Sub-Rule shall be added namely :—

“(2) The municipal vehicle shall not be used by any officer or servant of the board even for an official purpose if such officer or servant is in receipt of a conveyance allowance.”

(3) in Explanation (2) to Rule 6 the following shall be added at the end, namely :—

“if the Board decides that such journey was undertaken for a private purpose, it shall order recovery of the charges therefor at the following rates, namely :—

- |       |  |                         |
|-------|--|-------------------------|
| (i)   | Motor car/Jeep . . . . .   | 0.50 nP. per Kilometer. |
| (ii)  | Truck/Tractor/Station Wagon<br>pick-ups and other heavy<br>vehicles... . . . . | 1.00 nP. per Kilometer  |
| (iii) | Motor-cycle of all kinds<br>including scooters, autocy-<br>cles, etc . . . . . | 0.25 nP. per Kilometer  |

(Rajasthan Gazette-Part IV-(Ga)-dated 26-12-63-Page 620)

# THE RAJASTHAN MUNICIPALITIES (TRANSITORY PROVISION)

ORDER, 1961.

Local Self-Government Department

## NOTIFICATION

Jaipur, March 10, 1961.

No. F. 8 (32) LSG/61.—In exercise of the powers conferred by section 301 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the State Government hereby makes the following order, namely:—

(Order No. 1 of 1961)

1. (1) This Order may be called the Rajasthan Municipalities (Transitory Provision) Order, 1961.

(2) It shall come into force upon its publication in the Official Gazette.

(3) It shall remain into force for a period of six months from the date of publication in the Official Gazette.

### Notes.

The Order has been first published in Rajasthan Rajpatra Extraordinary, Part IV (C), dated March 10, 1961,

2. In this Order, unless the subject or context otherwise requires—

(i) 'Act' means the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959),

(ii) 'repealed law' means any of the laws and enactments repealed by section 2 of the Act.

3. Where prior to the Constitution of the first board under the Act, any seat of a member of a Municipal Board nominated under a repealed law falls vacant by reason of death, resignation or removal, the vacancy so occurring shall be filled by co-option in accordance with the rules made under the Act, of one person belonging to the scheduled castes or the scheduled tribes if the vacancy is in respect of a nominated member belonging to such castes or tribes or of one person belonging to female sex if the vacancy is in respect of a nominated member belonging to such sex.

By Order of the Governor.

A. K. ROY,

Secretary to the Government.

**The Rajasthan Municipalities (Treansitory Provisions)  
Order, 1962.**

( Order No. 1 of 1962 )

Local Self-Government Department  
**NOTIFICATION**

*Japur, February 7, 1962.*

No. F. 5 (176) LSG/A/59.—In exercise of the powers conferred by section 301 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following order, namely :—

1. *Short title and commencement.*—(1) This order may be called the Rajasthan Municipalities ( Transitory Provisions ) Order, 1962.

(2) It shall come into force atonce.

2. *Definitions.*—In this order, unless the subject or context otherwise requires :—

(1) “Act” means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);

(2) “Appointed Date” means the date appointed under sub-section (3) of section 1 of the Act for the coming into force of the Act.

3 *Modification of section 160 of the Act.*—For the purpose of facilitating the transition from the provisions of the Ajmer Merwara Municipalities Regulation, 1925, repealed by section 2 and the Act, to those of the Act; it is hereby directed that as from the appointed date the Act shall have effect subject to the following modifications, namely :—

“In section 160 of the Act in its application to the Ajmer Municipality, the proviso thereof shall stand omitted.”

4. *Tenure of the order.*—This order shall remain in force for a period of one year from the date of its publication in the Official Gazette.

By Order of the Governor,

R. D. MATHUR,

*Secretary to the Government.*

# RAJ. MUNICIPAL ACCOUNTS RULES, 1963

**Notification No. Tax/F 4 (20) LSG/A/57 Pt. II.**—In exercise of the powers conferred by section 297 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 1959) and all other powers enabling it in this behalf, the State Government hereby makes the following amendments to the Rajasthan Municipal Accounts Rules, 1963 (First published in Rajasthan Rajpatra, Extraordinary Part IV-C, dated 1st March, 1963 at pages 757 to 841), namely :—

## AMENDMENTS

In the said rules:—

1. For Rule 7, the following shall be substituted, namely :—

“7. *Cheques to be signed by the Chairman and the Executive Officer.*—Money shall not be paid from the municipal fund except as provided in rule 73. All cheques shall be signed by the Chairman or the Administrator, as the case may be, and the Executive Officer.”

In Rule 9,—

2. (a) In sub-rule (1) after the words ‘an annual account’ occurring first in 2nd line, the words ‘in form No. 1A’ shall be inserted.

(b) After sub-rule (2), the following new sub-rule shall be added, namely :—

“(3) A copy of the annual account having been finally passed by the Board shall be transmitted to the State Government or any officer duly authorised in this behalf by 30th June of the next financial year.”

3. After form No. 1 appended to the principal rules, the following new form shall be added, namely :—

### FORM No. 1A

[See Rule 9 (1)]

Annual Account..... . ....

Municipal Council/Board ..... . ....

For the year 19 ... .. 19 ... ..

S. No.	Major, Minor and sub-heads of the budget estimates.	Estimated figures of income/Exp. for the year.		Actual figures of the Income/Expenditure for the year		Remark.
		Rs.	nP.	Rs.	nP.	
1	2	3		4		5

# RAJ. MUNICIPALITIES (CLASS IV SERVICE) RULES, 1964

*Notification No. Tax/Rules/F. 21 (DLB)/64.*—In exercise of the powers conferred by clause [b] of sub-section (2) of section 297 read with section 88 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No 38 of 1959) and all other powers enabling it in this behalf, the State Government hereby makes the following rules, namely:—

1. *Short title and Commencement.*—(1) These Rules may be called the Rajasthan Municipalities (Class IV service) Rules, 1964.

(2) These Rules shall come into force after one month from the date of their publication in the Official Gazette.

2. *Definitions.*—In these Rules, unless there is anything repugnant in the subject or context:—

- (a) 'Act' means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);
- (b) 'Direct recruitment' means recruitment by the method prescribed by rule 10.
- (c) 'Government' means the Government of Rajasthan.
- (d) 'Schedule' means the schedule to these rules.
- (e) 'Service' means the Municipalities Class IV Service, constituted for each municipal board and municipal council.
- (f) 'Board' means a Municipal Board constituted under the Act and includes a Municipal Council.
- (g) 'Member of the Service' means the person appointed substantively to the post in the service under the provisions of these rules.
- (h) 'State' means the State of the Rajasthan.
- (i) 'Commissioner' means the officer appointed as such under section 307 of the Act.
- (j) 'Medical Officer' means a Medical Officer not below the rank of C. A. S. Class II or such other officer as may be appointed by the Government for the purpose of these rules.

3. *Strength of the Service.*—The strength of each of the service shall be such as may be fixed by the Board with the

approval of the Government from time to time for each Board and shall consist of categories of posts in the pay scales as shown in the schedule annexed to these rules provided that the Government may and any other categories of posts of Class IV Servants in the schedule.

4. *Initial constitution of the services.*—(1) All persons holding appointments to the different categories of Class IV posts on 17-10-1959 shall be deemed to have substantively appointed thereto, if they are found medically fit.

*Explanation.*—The persons shall be physically examined by a Medical Officer and if they are physically fit, shall be deemed to have been substantively appointed to a post.

(2) Holders of any category of posts which may be included in the schedule after the constitution of the service shall also be dealt with in accordance with the provisions of this Rule.

5. *Sources of recruitment*—Vacancies in the Service shall be filled by the Commissioner/Chairman of the Board as the case may be, either by direct recruitment or by promotion.

6. *Reservation of Scheduled Castes/Scheduled Tribes*:—Reservation of vacancies for scheduled castes and scheduled tribes shall be made in accordance with the orders of Government in force from time to time.

*Note*—Reservation shall be calculated on the basis of total vacancies in each category, adjustments of fractions being made over a period of five years.

There will be no reservation in the matter of promotion.

7. *Age*.—A candidate for direct recruitment must have attained the age of 18 years and must not have attained the age of 25 years on the first day of January following the date of application:

Provided that—

- (i) the upper age limit for a candidate of schedule castes or scheduled tribes shall be 30 years.
- (ii) the upper age limit for ex-service men shall be 50 years.
- (iii) the upper age limit for reservists namely the defence service personnel transferred to the reserve shall be 50 years.

8. *Character*.—A candidate for direct recruitment to the Class IV Service must produce a certificate of good character from a gazetted officer or Chairman not related to him.

9. *Physical fitness.*—A candidate for direct recruitment to the Class IV Service must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties and must produce a certificate to that effect from a Medical Officer.

10. *Procedure for direct recruitment.*—The nearest employment exchange should be asked to send a panel of names of suitable persons at least five times the number of vacancies to be so filed. The Commissioner/Chairman of a Board will then make appointments of the candidates considered suitable for appointment.

11. *Scales of pay.*—Scales of pay admissible to a member of the service shall be such as may be fixed by the Government from time to time. The existing scales of pay for the various posts are as shown in the schedule.

12. *Regulation of pay allowances, leaves pensions, gratuity, discipline, conduct, etc.*—Subject to the provisions of section 310 of the Act and except as provided in these rules the pay, allowances, leave and other conditions of service shall be regulated by rules made under section 297 of the Act, and pending the issue of such rules, by the following rules:—

(1) The Rajasthan Service Rules 1951 (except provisions relating to pension and payment of medical allowances) as amended from time to time.

(2) The Rajasthan Travelling Allowance Rules as amended from time to time.

(3) The Rajasthan Civil Service (Classification, Control and appeal) Rules as amended from time to time.

*Notes:*—(i) There shall be uniformity in the rate of D. A. pay to be merged in future annual increments.

(ii) In case of employees who were getting D. A. at higher rates than those prevailing in Rajasthan for similar posts, the defference will be amalgamated in the pay of such employees as personal pay to be merged in future annual increments.

13. *Pension and Provident Fund.*—All persons holding Class IV posts in the Board including those who have since before the enforcement of these rules, been regular subscribers to a contributory provident fund, shall subscribe to that fund in accordance with the rules applicable thereto and the contribution if any of the Board on that account shall be determined in accordance with the provisions applicable to the fund.

All Class IV employees holding posts on pensionable basis in any board will be governed by the rules existing in the respec-

ctive board on 1-11-1956 unless any employee opts to contribute to the provident fund in lieu of the benefit of pension, within a period of two months from the date of commencement of these rules and the contribution to be paid by the Board on account of such pension shall be determined according to rules.

### SCHEDULE

S. N.	Post	Scale of pay.
1.	Peon	25-1-40
2.	Farrash	25-1-40
3.	Cycle Sowar	25-1-40
4.	Process Server	25-1-40
5.	Chowkidar	25-1-40
6.	Waterman	25-1-40
7.	Coolies	25-1-40
8.	Gardener or Mali	25-1-40
9.	Cart Driver	25-1-40
10.	Khallasi	25-1-40
11.	Gangmate	25-1-40
12.	Beldar	25-1-40
13.	Cleaner	25-1-40
14.	Bhisti	25-1-40
15.	Library boy	25-1-40
16.	Navadia (Boatman)	25-1-40
17.	Helper to pump driver	25-1-40
18.	Keymen	30-1-45
19.	Jamadar	30-1-45
20.	Gauge reader	40-2-70
21.	Meter reader	50-3-95-100
22.	Fitter	50-3-95-100
23.	Turner	50-3-95-100
24.	Blacksmith	50-3-95-100
25.	Painter	50-3-95-100
26.	Carpenter	50-3-95-100

# RAJ. MUNICIPALITIES (RECORDS)

## RULES, 1964

Local Self Department

Jaipur, April 13, 1964

*Notification No. Tax/(Rules) (10) DLB/62.*—In exercise of the powers conferred by section 297 read with clause (c) of section 88 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) the State Government hereby makes the following Rules, namely:—

1. *Short title.*—(1) These rules may be called the Rajasthan Municipalities (Records) Rules, 1964.

(2) They shall come into force after one month from the date of their publication in the Official Gazette.

3. *Defination.*—In these rules, unless the context otherwise requires.

(1) 'Municipal Board' includes Municipal Council;

(2) 'Chairman' includes President of a Municipal Council;

(3) 'Executive Officer' includes Commissioner of Municipal Council and in case of a Municipal Board for which no Executive Officer has been appointed, its Secretary;

(4) 'Record Keeper' means th person in immediate charge of the Record Room;

(5) 'Printed papers' includes typed or cyclostyled papers; and

(6) 'Records' includes registers.

4. *Record Room.*—Every Municipal Board shall reserve such portion of the Municipal Office as may be necessary for the proper accomodation and custody of its correspondence and records. The space thus set apart shall be called the Record Room.

5. *Matters of routine.*—In all correspondence, reminders, explanations of delay, and letters on mere matters of routine (such as these returning enclosures) shall be destroyed by the Record Keeper when the file is closed.

6. *Printed Papers.*—The original of a paper which has been printed shall be destroyed by the Record Keeper on being replaced by the printed paper :

Provided that the Chairman or Executive Officer may for reasons to be recorded thereon direct that the original paper

may be kept in addition to the printed paper, either on its proper file or in some other place for such period as may be specified.

7. *Classes of records.*—The papers and records mentioned in the Schedules A and B appended hereto shall be retained for the period indicated in respect of each and shall be destroyed only after expiry of that period :

Provided that the Chairman or Executive Officer may, for reasons to be recorded thereon direct that any file or record be retained for longer than the prescribed period.

8. *Conclusion of Audit.*—The date of conclusion of the audit for any period shall be deemed to be the date which is recorded at the end of the audit for the period in question.

9. *Computation of term of retention of records.*—When a definite term is prescribed for the retention of any correspondence or record the computation in calculating the terms shall be made from July 1, following the date of the completion of the file or of the record.

### *Illustration*

(i) A file required to be retained for five years, the last letter which is dated April 10, 1951 shall be examined and the papers affected, removed and destroyed on July 1, 1956.

(ii) A letter required to be retained for 10 years which is dated December 19, 1951 shall be destroyed on July 1, 1962,

*Explanation:*—The final closing of a register is completion of a record.

10. *Records which shall be kept permanently.*—Notwithstanding anything contained in these rules or the Schedule appended thereto correspondence or records which contain a discussion of or a decision on a question of principle, and every order, rules, regulations and byelaws affecting the Municipal Board, shall be retained permanently and generally in a case of doubt every correspondence or record destruction of which at any time may be deemed injurious to the interest of Municipal Board or of the Government or of the public generally, shall be preserved even though the subject may fall within the categories of the schedules for which only a specified term of retention has been prescribed.

11. *Registers.*—The record keeper shall keep in the Forms given below two registers, one for correspondence and one for records. In each register the entries shall be made in serial order as the files or records are received for deposit in the Record Room.

### Record Keeper's Register of Correspondence

Serial No.	Department.	File No.	No. of papers in File.	Date of deposit in Record Room.	Date on which file should be examined for weeding.	Initials of Record Keeper.	Date on which file actually examined for weeding.	Number of papers ordered to be destroyed.	Date of destruction:	Number of papers remaining in file, if any	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

### Record Keeper's Register of Record

Serial No	Description of Record	Date of deposit in record room	Date on which file should be examined for weeding	Initials of Record Keeper	Date on which record was actually examined for weeding	If ordered to be destroyed, date of destruction	Initials of officers ordering the destruction	Remarks
1	2	3	4	5	6	7	8	9

12. (i) Beginning on 1st July, in each year or as soon thereafter as possible, the Record Keeper shall go through all the files of correspondence in their serial number according to the register of correspondence prescribed by the preceding rule and shall make the necessary entries therein in regard to each file recorded in the register. He shall take out from the file each

paper which according to the terms prescribed for such paper in the Schedule appended to these rules is liable to destruction, and submit it with his register for the inspection of the Chairman or Executive Officer who shall then pass the necessary orders in accordance with these rules and the Schedules appended thereto.

(ii) The Record Keeper shall similarly examine all records in accordance with the classes given in Schedule 'B' and submit those liable to be destroyed thereunder together with his register of records prescribed by rule 9 to the proper officer who shall pass orders thereon in the same manner as prescribed in the preceding sub-rule.

(iii) In case of doubt as to the class of any correspondence or records it shall be submitted for the inspection and orders of the Chairman or Executive Officer if it has not been in the first instance submitted to him.

13. (a) If all the papers in file or correspondence are destroyed, an entry shall be made in column 10 of the Record Keeper's register as follows:—

Whole file destroyed in my presence.

Signature of Chairman or  
Executive Officer.

(Initials of the Record Keeper).

If certain letters or papers only are destroyed, the entry in the register shall be as follows:—

"Nos. Destroyed in my presence,

Date, Signature of Chairman or  
Executive Officer

(Initials of the Record Keeper).

14. Papers selected for destruction shall, if confidential, be burnt without delay. Non-confidential papers, if intended to be sold as waste paper shall be torn up into small pieces so effectually that their former contents can not be learnt therefrom.

#### NOTE

1. All weeded documents of non-confidential nature and accumulation of waste paper basket should be stored until a fair quantity is available. It should then be sold.

2. Obsolete and cancelled forms may also be sold, The sale shall be supervised by a reasonable Officer not below the rank of Executive Officer to prevent the surreptitious sale of usable form.

15. *Repeal*.—All existing rules, bye-laws, regulations, orders, Notifications & Circulars in relation to matters covered by these rules shall stand superseded on the coming into force of these rules.

## SCHEDULE A

### CLASS I

(To be destroyed after one year)

1. Application for copies
2. Files regarding the printing of Forms.
3. Miscellaneous reports of progress of works after the completion of the works to which they relate.
4. Miscellaneous applications, such as for permission to hold games, discharge fire works, cut trees, and the like and for permission to build when the application has been refused.
5. Letters of an ephemeral character, such as those furnishing explanations of difference in accounts since closed and adjusted and the like.

### CLASS II

(To be destroyed after five years)

1. Appendices of the Annual Administration Report.
2. Analysis of water.
3. (i) Files of importance affecting the services of Municipal employees, such as those concerning their appointment, promotion, reduction and dismissal (five years the completion of their services).  
(ii) Files regarding the leave of such employees, complaint against them, enquiries into their conduct not required for payment reference (five years after the completion of their services).
4. Files regarding the lease of lands of buildings (five years after expiry of the lease).
5. Files relating to Municipal contracts of a temporary character (five years after expiry of the contract).
6. Files regarding vaccination, health or vital statistics, inspection reports of temporary interest from the Medical Officers of health, officers of the Education Department and the like.
7. Objection of the assesses to taxes
8. Files connected with accounts which are of no further use.

9. -Generally all files containing correspondence of merely temporary interest which the Chairman or Executive Officer decides need not be kept for more than five years.

### CLASS III

(To be destroyed after ten years)

1. Files regarding annual reports other than the Annual Administration and Sanitary Reports.
2. Files containing correspondence with the Legal Remembrancer or relating to suits instituted by or against the Board and not of sufficient importance to be permanently retained.
3. Files connected with applications for permission to build when the application has been sanctioned.

### CLASS IV

(To be retained permanently)

1. Files containing general orders of Government, circulars and notifications.
2. Files regarding the constitution of the Municipality, the fixation or revision of boundaries, the making or modification of rules, regulations and bye-laws, the imposition and modification of taxation and extension of Acts.
3. Files containing Annual Administration Reports and orders of the District Magistrate, the prescribed authority and the Government on the reports.
4. Files of permanent interest regarding important sanitary improvements or important public works.
5. Files regarding loans and investments.
6. Files regarding the appropriation or sale of lands or buildings to or by Boards.
7. Files containing decisions of the High Court affecting the Municipality.
8. Orders of Government on prosecutions or suits affecting the Municipality.
9. Any other files containing correspondence that should in the opinion of the Chairman or Executive Officer be retained permanently.

## SCHEDULE B

## CLASS I

{To be destroyed one year after conclusion of audit).

1. Inspection Book of octroi barriers.
2. Extraordinary Passes.
3. Cattle Passes.
4. Statement of expenditure on construction.
5. List of Advances outstanding.
6. Notice of Demand (after one year of recovery).
7. Notice Distress Warrant Form No. 11 (after one year of recovery of the amount).

## CLASS II

{To be destroyed three years after conclusion of audit).

1. Octroi Receipts and Tickets.
2. Jinswars of octroi.
3. Railway Receipt Register.
4. Challans.
5. Head office Jinswar.
6. List of persons who compound for octroi.
7. Composition Passes for octroi.
8. Refund Applications.
9. Refund Ledger.
10. Transit Passes.
11. Warehouse Ledger.
12. Rent and fee Register of bounded Warehouses.
13. Receipts for Warehouses rent and fees.
14. Toll Tickets.
15. Cash Book of tools.
16. Register of increases and decreases.
17. Register of Objections.
18. Counterfoil of Bills.
19. Receipt Book.
20. Bill Collectors Challan Book.
21. Acknowledgement of bill collectors.
22. Abstract of Daily Collections.
23. Register of Realisations through distress warrant.
24. Progress statement of collections.
25. Passes of Sugar Refiners.
26. Licence Form.
27. Licence Form for Vehicles plying for hire.
28. Register of Taxes and other income collected by means of licenses.
29. Counterfoils of Tehbazari tickets.
30. Tehbazari Register.

31. Stock Book of trenches.
32. Trenching ground account register.
33. Permits.
34. Stock Book of city sweepings.
35. City sweepings Account Register.
36. Pound Admission and Release Register.
37. Counterfoils of Pound Register. Admission Passes,  
Releases Passes.

Receipt for purchase of impounded cattle sold.

38. Register of Impounded cattle sold.
39. Counterfoils of Memoranda of sales of cattle.
40. Slaughter House Tickets.
41. Garden Order Book.
42. Garden Voucher Book.
43. Garden Ledger.
44. Garden Contingent Register.
45. Garden Stock Book.
46. Contractors' Bills.
47. Muster Roll.
48. Stock Book of Stores and Forms.
49. Store Keepers' Day Book.
50. Pay Bills.
51. Leave Statement.
52. Acquittance Rolls.
53. Travelling Allowance Bills.
54. Contingent Bills
55. Permanent Advance Register.
56. Stamps and Despatch Register.
57. Counterfoils of Receipts.
58. Travelling Allowance Check Register.
59. Attendance Register.
60. Meter Reading Book.

### CLASS III

(To be destroyed 5 years after conclusion of audit).

1. Budget.
2. Register of Application.
3. House connection Register.
4. Coat Stock Book.
5. Certificate of verification of stores and other movables

### CLASS IV

(To be destroyed 10 years after conclusion of audit)

1. Octroi Superintendents' Cash Book.

2. Assessment List.
3. Demand and Collection Register on account of collection.
4. Demand and Collection Register of rents other than Tehbazari.
5. Pound Cash Book.
6. Garden Cash Book.
7. Miscellaneous Demand and Collection Register for house and water rate.
8. Store Return of water and Sewage works.
9. Security Bond (10 years after they cease to have effect).
10. Classified Abstract of Income and Expenditure.
11. List of Transfer Entries.
12. Monthly Account.
13. Check Book.
14. Treasury Pass Book.
15. Establishment Check Register.
16. Ledger of Miscellaneous Advances.
17. Fine Statements.
18. Lease (10 years after they cease to have effect.)
19. Service Books and Character Rolls.
20. Statements submitted with the Annual Administration Report.
21. Other registers which the Chairman or Executive Officer may decide should be kept for a longer period than five years but not permanently.

#### CLASS V

(To be retained permanently).

1. Register of proceedings of Municipal Board and its Committee.
2. Register of correspondence (Receipt, Despatch and File register and the like).
3. Register of Members.
4. Provident Fund Register.
5. Order Books.
6. Register of Immovable Property including trees and plants.
7. Register of Public Works.
8. Register of works other than for petty works.
9. Annual Maintenance Account of Water Works.
10. Scale Register.
11. Central Cash Book.

12. Annual Balance Sheet.
13. Register of Loans.
14. Register of Securities and Investments
15. Register of Deposits.
16. Record Keepers' Registers.
17. Births and Deaths Registers.
18. Such other records as the Chairman or Executive Officer may decide to be of permanent interest.
19. Files regarding Loans and Investments.
20. Challan.
21. Audit Inspection Reports.

# RAJ. MUNICIPALITIES (COMPOUNDING OF OFFENCES) RULES, 1966

Local-Self Government Department

Jaipur, May 25, 1966

*Notification No. Tax/F. 149 (I)/DLB/58*—In exercise of the powers conferred by section 297 read with section 266 of the Rajasthan Municipalities Act, 1959 (Act 38 of 1959), the State Government hereby makes the following Rules, namely:—

1. *Short title and commencement.*—(1) These Rules may be called the Rajasthan Municipalities (Compounding of offences) Rules, 1966.

(2) These rules shall come into force after one month from the date of their publication in all official gazette.

2. *Repeal and saving.*—All rules and bye-laws, in relation to the matter covered by these rules shall stand superseded on the date of commencement of these rules provided that any action taken under any such rules which are to be superseded shall be deemed to have been taken under these rules.

3. *Definition.*—(1) In these Rules, unless the subject or context otherwise requires—

(1) 'Act' means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959);

(2) 'Board' includes a Municipal Council.

(3) 'Compound' includes compromise with any person who has committed an offence punishable under this Act or any Rules or bye-laws made thereunder and withdrawal from prosecution instituted under this Act or under any Rule or bye-law made thereunder.

(4) 'Section' means a section of the Act

(5) Words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act.

4. *Offence which may be compounded.*—(1) Offence punishable under the provisions of this Act and/or any rule or bye-laws made thereunder except under section 265(4), 194 and 203 shall be compoundable.

(2) The offences under section 170 may be compounded by the Board on the following basis:—

(i) In the cases of constructions put up after obtaining sanction but in which minor deviations have been made from the sanctioned plan and such deviations do not contravene any bye-law, rule policy or resolution of the Board.

(ii) In cases of unauthorised constructions which do not offend against bye-laws in which no application had been made.

(iii) In cases of unauthorised constructions which do not offend against bye-laws but which were continued in spite of prohibitory notice to stop construction.

(iv) The unauthorised constructions which offend against bye-laws.

(v) The unauthorised constructions which offend against bye-laws and which were continued in spite of prohibitory notice to stop construction.

No compensation should be charged if the party concerned makes an application along with sanctioned plans etc. within one month requesting that such deviations be sanctioned and regularised. Corrections in the sanctioned plans may be made departmentally at his cost.

May be condoned on payment of 5% of the cost of unauthorised construction as compensation subject to the minimum of Rs. 5/-.

May be condoned on payment of 7½% of the cost of unauthorised constructions as compensation subject to minimum of Rs. 5/-.

Should not as a rule, be allowed to stand, but if however, it is considered desirable to condone such constructions on payment of compensation at the request of the party may be considered, and the compensation in such cases shall not be less than 25% of the cost of the unauthorised construction as may be considered on merits of each such case.

Should also not, as a rule be allowed to stand, but if, however it is considered desirable to condone on payment of compensation such constructions at the request of the party, they may be considered and the compensation in such cases shall not be less than 33½% of the cost of unauthorised

constructions as may be considered on merits of each such case.

5. *Power to compound offences.*—(1) Subject to the provisions of Rule 4, a Board may accept from any person in respect of whom there is reasonable ground to believe that he has committed act or omission made punishable under the Act or bye-laws made thereunder a sum of money by way of compensation therefor.

(2) On payment of such sum no further proceedings shall be taken against the offender in respect of the offence so compounded.

(3) Sums paid by way of compensation under these rules shall be credited to the Municipal Fund.

6. *Procedure for compounding of offence.*—The Board shall observe the following procedure:—

(a) Before accepting money for compensation for an offence, it shall be explained to the defaulter (i) offence with which he is charged (ii) and that he is at liberty to be tried for it, if he so wishes, (b) the Board shall not accept a sum lower than the minimum which can be imposed for such a breach.

(c) For every compensation accepted, the Board shall grant a receipt as soon as the sum is paid.

(d) The Board shall cause to be entered particulars of every case in which the Board takes action in a register.

*Notifications under*

**RAJASTHAN MUNICIPALITIES ACT, 1959.**

*Published in Raj. Raj-patra part IV (c) dated October 15, 1959*

Local Self-Government Department  
**NOTIFICATION**

Jaipur, October 15, 1959.

No. D. 6617/F. 4 (34) LSG./A/59.—In exercise of the powers conferred by sub-section (3) of section 1 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. XXXVIII of 1959), the State Government hereby appoints the 17th day of October, 1959 as the date from which the said Act shall come into force.

By order of the Governor,  
R. K. CHATURVEDI,  
Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated October 30, 1959*

Local Self-Government Department  
**NOTIFICATION**

Jaipur, October 29/30, 1959.

No F. 4 (34) LSG / 59.—In pursuance of sub-section (2) of section 72 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) the State Government hereby directs that the Collector of a District shall be the "prescribed authority" for the purposes of the provisions of section 72 of the said Act.

By Order of the Governor,  
R. K. CHATURVEDY,  
Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated November 13, 1959 at page 837-840*

Local Self-Government Department  
**NOTIFICATIONS**

Jaipur, November 13, 1959.

No. F. 4 (34) LSG./59-I.—In exercise of the powers conferred by section 299 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby delegates the powers exercisable by it under:—

- (i) Clauses (a) and (b) of sub-section (i) of section 63;
- (ii) Sub-section (2) of section 80;
- (iii) sub-section (5) of section 80 up to Rs. 10,000/- in respect of Municipal Boards and up to Rs. 20,000/- in respect of Municipal Councils;
- (iv) Section 93;
- (v) Sub-section (1) of section 114;
- (vi) Clause (a) of sub-section (1) of section 310;
- (vii) Clause (i) of sub-section (5) of section 310;

to the Director of Local Bodies, Rajasthan, with immediate effect.

Jaipur, November 13, 1959.

*No. F 4 (34) LSG./59. II.*—In pursuance of sub-section (12) of section 65 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises the Director of Local Bodies, Rajasthan to receive a notice of resignation that may be given by a Chairman.

Jaipur, November 13, 1959.

*No. F. 4 (34) LSG./A/59. III.*—In pursuance of sub-section (2) of section 86 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby appoints the Director of Local Bodies, Rajasthan to be the Officer to whom a sweeper or Scavenger who is discharged dismissed or removed from employment under any provision of the said Act may apply for setting aside the order of such discharge, dismissal or removal.

Jaipur, November 13, 1959.

*No. F. 4 (34) LSG./A/59. IV.*—In exercise of the powers conferred by section 100 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby exempts all Municipal Boards from the provisions of clauses (e) and (p) of section 98 and section 99 of the said Act.

Jaipur, November 13, 1959.

*No. F. 4 (34) LSG./A/59 V*—In exercise of the powers conferred by section 237 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises all the Collectors within their respective districts to sanction the establishment of slaughter houses or places for the disposal of carcasses of animals beyond the limits of any Municipality.

Jaipur, November 13, 1959.

*No. F. 4 (34) LSG./A/59. VI.*—In exercise of the powers conferred by sub-section (1) of section 262 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises all Magistrates of the first class having jurisdiction over Municipalities to ascertain and determine the amount of compensation or damages payable under the said Act and, if necessary, to decide also about its apportionment.

Jaipur, November 13, 1959.

*No. F. 4 (34) LSG./A/59. VII.*—In exercise of the powers conferred by section 281 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises the Director of Local Bodies Rajasthan, to be the officer to whom a copy of the annual accounts finally passed by a Municipal Board or a Municipal Council shall be transmitted.

Jaipur, November 13, 1959.

*No. F. 4 (34) LSG/A/59. VIII.*—In exercise of the powers conferred by section 234 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises the following officers to inspect the offices of the Municipal Boards and Municipal Councils and to call for the records thereof:—

1. Collector within their respective Districts.
2. Director of Local Bodies, Rajasthan, Jaipur.
3. Assistant Director of Local Bodies, Jaipur.
4. Regional Inspector, Local Bodies, Rajasthan.
5. Assistant Regional Inspectors, Local Bodies, Rajasthan.

Jaipur, November 13, 1959.

*No. F. 4 (34) LSG/A/59. IX.*—In exercise of the powers conferred by section 299 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby delegates its power under sub-section (1) of section 23 of the said Act to the Collectors to be exercised by them within their respective districts.

Jaipur, November 13, 1959.

*No. F. 4 (34) LSG/A/59. X.*—In pursuance of the provisions of sub-section (5) of section 162 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby appoints the 1st Class Magistrate to hear appeals in the matters specified in the said sub-section, within their respective jurisdiction.

Jaipur, November 13, 1959.

*No. F. 4 (34) LSG/A/59. XI.*—In pursuance of the provisions of sub-section (2) of section 166 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby appoints all Collectors to be the officers whose permission shall be taken before the possession of any land vested in the State Government is taken within their respective Districts.

Jaipur, November 13, 1959.

*No. F. 4 (34) LSG/A/59. XII.*—In pursuance of the provisions of clause (c) of section 108 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby appoints the Director of Local Bodies, Rajasthan to be the officer for the purposes of the said provisions.

By Order of the Governor,  
R. K. CHATURVEDY,  
Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated December 7, 1959 at pages*

Local Self-Government Department

### NOTIFICATION

Jaipur, November 11, 1959.

*No. F. 4 (34) LSG/A/59.*—In pursuance of the provisions of sub-section (2) of section 63 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby appoints the Legal Remembrancer and the Joint Legal Remembrancer to the Government of Rajasthan to be the Judicial Officers for the purposes of the provisions of section 63 of the said Act.

By Order of the Governor,  
R. K. CHATURVEDY,  
Secretary to the Government.

*Published in Raj. Rajpatra part VI (a) dated December 24, 1959 at page 293-294*  
Jaipur, November 25, 1959.

*No. F. 4 (34) LSG/59.*—In pursuance of clause (f) of section 67 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959), the State Government hereby appoints the Director of Local Bodies, Rajasthan to be the Officer to whom a copy of every resolution passed at any meeting of the Municipal Council/Board shall be furnished by the President/Chairman thereof.

*Published in Raj. Raj-patra part IV (c) dated December 30, 1959 at page*  
Local Self-Government Department

### NOTIFICATION

Jaipur, December 30, 1959.

*No. F. 5 (199) L.S.G./A/59.*—In exercise of the powers conferred by sub-section (5) of section 107 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959), the State Government hereby grants exemption with effect from the 1st day of January, 1960 to all small, medium and large scale industries from the payment of octroi on all machinery imported for the purpose of setting up industries subject to the importer producing a certificate to that effect from the Industries Department of the State.

By Order of the Governor,  
R. K. CHATURVEDY,  
Secretary to the Government.

*Published in Raj. Raj-patra part IV.(c) dated January 2, at pages 995-96*

Local Self-Government Department

### NOTIFICATIONS

Jaipur, December 31, 1959.

*No. F.4(34)LSG/A/59-II.*—In exercise of the powers conferred by sub-section (2) of section 203 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby appoints all Collectors and Sub-Divisional Officers to be the officers

within their respective jurisdiction whose permission shall be obtained before any obstruction or encroachment from any open space vested in the Government is removed by a Municipal Council and Municipal Board respectively.

Jaipur, December 31, 1959.

*No. F.4(34) LSG/59-II.*—In pursuance of sub-section (8) of section 44 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby appoints the Director of Local Bodies, Rajasthan, Jaipur and the Collector of the District concerned to be the officer to whom copy of the orders passed under section 44 of the said Act shall be sent.

Jaipur, December 31, 1959.

*No. F. 4(34) LSG/A/59-III.*—In exercise of the power conferred by sub-section (1) of section 283 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises the Collectors, within their respective Districts, and the Director and the Assistant Director of Local Bodies, Rajasthan, Jaipur in the whole of Rajasthan to exercise the powers specified in the said sub-section.

Jaipur, December 31, 1959.

*No. F. 4(34) LSG/A/59 IV.*—In pursuance of the provisions of sub-section (1) of section 285 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises all Collectors within their respective Districts and the Director of Local Bodies, Rajasthan, Jaipur in the whole of Rajasthan to exercise the powers under the said sub-section.

*Published in Raj. Raj-patra part IV (c) dated January 22, 1960 at page 1009*

Jaipur, January 12, 1960.

*No. F. 4 (34) LSG./ A /59-II.*—In pursuance of sub-section (1) of section 300 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959), the State Government hereby authorises the Chairman, Board of Revenue, Rajasthan as the authority that may call for records of the Municipal Councils under the provisions of the aforesaid section.

By Order of the Governor,

R. K. CHATURVEDY,

Secretary to the Government.

*Published in Raj. Raj-patra part VI (a) dated February 23, 1960 at page 9-10*

Local Self-Government Department

# NOTIFICATION

Jaipur, February 22, 1960.

*No. D. 380/F. 1 (50) LSG/59.*—In pursuance of section 9 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) the State Government hereby directs that the total number of seats of the Municipalities specified in Col. (2) shall be the number of seats

specified in Col. (3) out of which general and reserved seat shall be as specified in Col. (4) and (5) of the Schedule below:—

## SCHEDULE

S. No.	Name of Municipality	Total No. of seats fixed	General seats	RESERVED SEATS	
				For Scheduled Castes (a)	For Scheduled Tribes (b)
1	2	3	4	5	6
1. Ajmer		38	35	3	...
2. Sarwar		10	8	2	...
3. Dausa		12	11	1	...
4. Laxmangarh		15	14	1	...
5. Chirawa		12	10	2	...
6. Mandawa		10	9	1	...
7. Uniara		10	7	2	1
8. Hindon		12	10	2	...
9. Bhinasar		10	8	2	...
10. Taranagar		12	10	2	...
11. Chhapar		10	8	2	...
12. Suratgarh		10	9	1	...
13. Anopgarh		10	8	2	...
14. Deedwana		12	11	1	...
15. Bali		10	9	1	...
16. Sojat		12	11	1	...
17. Barmer		18	15	2	...
18. Sirohi		12	10	1	1
19. Nathdwara		12	10	1	1
20. Rajsamand		10	8	1	1
21. Choti Sadri		10	7	2	1
22. Shabpur		12	10	1	1
23. Khusalgarh		10	8	1	1
24. Chhabra		10	8	....	2
25. Jaipur		43	39	4	...
26. Ramgarh		12	10	2	...
27. Rajgarh (Churn)		12	9	3	...
28. Nawa		10	7	3	...
29. Sheoganj		10	9	1	...
30. Beawar		26	21	5	...
31. Kekri		10	8	2	...
32. Jhunjhunu		18	16	2	...
33. Sawai Madhopur		12	8	4	...
34. Toda Bhim		10	7	2	1
35. Tonk		23	18	5	...
36. Karanpur		10	8	2	...
37. Deedwana		12	11	1	...

38. Bhinmal	10	7	2	1
39. Abu Road	12	7	3	.
40. Pindwara	10	8	1	1
41. Lakheri	10	7	2	1
42. Tappa	10	9	1	....

By Order of the Governor,  
KESHAVPURI,

Deputy Secretary to the Government.

*Published in Raj. Raj-patra part VI (a) dated April 21, 1950 at page 9*

Jaipur, February 26, 1960.

No. F. 4(34)LSG/A/59.—In pursuance of section 139 of the Rajasthan Municipalities Act, 1959 (Act No. 28 of 1959), the State Government hereby appoints every sub-Divisional Officer to be the appellate authority under the said section for hearing the appeals relating to taxation in respect of the Municipalities lying within his jurisdiction.

*Published in Raj. Raj-patra parta VI (a) dated April 7, 1960 at p age 1-2*

Local Self-Government Department

# NOTIFICATION

Jaipur, April 7, 1960.

No. F. 1 (7) LSG/59.—In pursuance of section 9 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby directs that the total number of seats of the Municipalities specified in Column (2) shall be the number of seats specified in Column (3), out of which general and reserved seats shall be as specified in Column (4) and (5) of the Schedule below for the purpose of the first Constitution of Municipal Boards and Municipal Councils under the aforeasid Act:—

## SCHEDULE

S. No.	Name of Municipality	Total No. of seats fixed	General Seats	RESERVED SEATS	
				For Scheduled Castes (a)	For Scheduled Tribes (b)
1	2	3	4	5	6
1. Mt. Abu		12	10	1	1
2. Deogarh		10	8	2	....
3. Jobner		10	7	3	....
4. Bandikui		10	8	2	....
5. Amber		10	8	2	....
6. Chaksu		10	8	2	....
7. Sikar		26	23	3	....
8. Fatehpur		20	16	4	....
9. Khandela		10	9	1	....

10. Neem-ka-thana	10	8	2	....
11. Surajgarh	10	7	3	....
12. Pilani	12	10	2	....
13. Newai	10	7	3	....
14. Rajgarh (Alwar)	10	9	....	1
15. Kherli	10	9	1	....
16. Deeg	12	8	4	....
17. Kaman	10	8	2	....
18. Rajakhera	10	8	2	....
19. Bikaner	38	35	3	....
20. Nokha	10	9	1	....
21. Nipasar	10	8	2	....
22. Deshnok	10	8	2	....
23. Sardiashahr	20	18	2	....
24. Dungargarh	12	9	3	....
25. Rajaldeshar	10	8	1	....
26. Bidasar	10	8	2	....
27. Hanumanagarh	10	8	2	....
28. Gaj Singhpur	10	8	2	....
29. Saugaria	10	8	2	....
30. Nohar	12	10	2	....
31. Bhadra	10	6	1	3
32. Phalodi	15	13	2	....
33. Laddu	18	16	2	....
34. Merta	10	7	3	....
35. Parbatsar	10	8	2	....
36. Pali	18	16	2	....
37. Jalore	10	8	2	....
38. Balotra	10	9	1	....
39. Jaisalmer	10	8	2	1
40. Pokaran	10	9	1	....
41. Doongarpur	10	9	....	1
42. Sagwara	10	8	1	1
43. Chittorgarh	12	11	1	....
44. Partapgarh	12	11	1	....
45. Nimbahera	12	8	4	....
46. Kapasin	10	8	2	....
47. Bhilwara	20	16	4	....
48. Gangapur (Bhilwara)	10	7	3	....
49. Banswara	15	13	1	1
50. Baran	18	14	4	....
51. Ramganjmandi	10	9	1	....
52. Indergarh	10	8	2	....
53. Bundi	18	16	2	....
54. Nenwa	10	8	2	....
55. Jhalawar	12	9	2	1
56. Dholpur	18	13	5	....
57. Bari Sadri	10	8	2	....

58. Pushkar	10	9	1	....
59. Sambhar	12	10	2	....
60. Phulera	10	8	1	1
61. Kotputli	10	7	2	1
62. Gangapur (Sawai Madhopur)	12	8	....	4
63. Deoli	10	8	....	2
64. Weir	10	7	1	3
65. Nawalgarh	20	19	1	....
66. Khetri	10	9	1	....
67. Mukandgarh	10	9	1	....
68. Bagar	10	9	1	....
69. Udaipurwati	10	9	1	....
70. Gangashahr	10	9	1	....
71. Ratangarh	20	17	3	....
72. Sujangarh	20	18	2	....
73. Raisinghnagar	10	8	....	2
74. Makrana	12	11	1	....
75. Udaipur City	33	31	....	2
76. Salumber	10	8	....	2
77. Bari Sadri	10	9	....	1
78. Kota	33	26	6	1
79. Jhalrapatan	10	9	....	1
80. Chomu	12	10	....	2
81. Nadbai	10	7	....	3

By Order of the Governor,  
R. D. THAPAR,  
Secretary to the Government.

*Published in Raj. Raj-patra part VI (a) dated May 26, 1960 at page 18*

Jaipur, March 22, 1960.

No. D. 16205/F. 8(3) L.S.G./60.—In exercise of the powers conferred by sub-section 5 of section 107 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby exempts the seeds imported by the Agriculture Department of the State for distribution under Grow More Food Campaign from the payment of octroi duty through out the State, subject to the production of certificate to that effect from the Agriculture Department of the State.

*Published in Raj. Raj-patra part VI (a) dated June 9, 1960 at page 23*

### ORDER

Jaipur, May 9, 1960.

No F. 8 (53) L.S.G./60.—In exercise of the powers conferred by sub-section (2) of section 16 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby directs that the electoral roll for a ward referred to in the aforesaid sub-

section shall be published by affixing a copy thereof on the notice board of the Municipal office concerned and also at not less than two conspicuous places in such a ward.

By Order of the Governor;  
R. D. THAPAR,  
Secretary to the Government.

*Published in Raj. Raj-patra part VI (a) dated June 9, 1960 at page 21-22*  
Jaipur, April 26, 1960.

No. D. 6570/F. 1 (7) L.S.G./60—In pursuance of section 9 of the Rajasthan Municipalities Act, 1959, the State Government hereby directs that the total number of seats of Hindaun Municipality shall be the number of seats specified in Column (3) out of which General and Reserved Seats shall be as specified in Columns (4) and (5) of the Schedule below for the purpose of the first constitution of its Municipal Board under the aforesaid Act.

#### SCHEDULE

S. No.	Name of Municipality.	Total No. of Seats fixed.	General Seats.	Reserved Seats.	
				For Scheduled Castes.	For Scheduled Tribes.
1	2	3	4	5 (a)	5 (b)
1	Hinduan.	15	12	3	....

This cancels the fixation of Seats of Hindaun Municipality notified under the Government notification No. D. 380/F. 1 (50) LSG/59, dated 22-2-60 published in the Extraordinary issue of the Government Gazette (Part. VI-A), dated 23-2-60.

*Published in Raj. Raj-patra part VI (a) dated June 30, 1960 at page*

Local Self-Government Department

#### NOTIFICATION

Jaipur, June 7, 1960.

No. F. 1 (7) LSG/60.—In pursuance of section 8 of the Rajasthan Municipalities Act, 1959 (Act No. 28 of 1959), the State Government hereby directs that the total number of seats of the Municipalities specified in column (2) shall be the number of seats specified in column (3), out of which general and reserved seats shall be as specified in columns (4) and (5) of the Schedule below for the purpose of the first Constitution of Municipal Boards and Municipal Councils under the aforesaid Act:—

SCHEDULE

S.No.	Name of Municipality	Total No. of seats fixed.	General Seats.	Reserved Seats	
				For Scheduled Castes	For Scheduled Tribes
1	2	3	4	5	6
1.	Churu	23	21	2	—
2.	Alwar	26	20	5	1

By Order of the Governor,  
R. D. THAPAR,  
Secretary to the Government.

*Published in Raj. Raj-patra part VI (a) dated July 7, 1960 at page 34-36*

Jaipur, April 26, 1960.

No. F. 1 (7) LSG/60.—In pursuance of section 9 of the Rajasthan Municipalities Act, 1959, the State Government hereby directs that the total number of seats of Municipalities Specified in Column (2) shall be the number of seats specified in Column (3), out of which general and reserved seats shall be as specified in Columns (4) and (5) of the Schedule below for the purpose of the first constitution of Municipal Boards and Municipal Councils under the aforesaid Act.

SCHEDULE

S.No.	Name of Municipality.	Total No. of seats fixed.	General Seats.	Reserved Seats.		
				For Sched-uled Castes.	For Sched-uled Tribes.	
1	2	3	4	5 (a)	5 (b)	
1.	Karauli.		15	11	4	....
2.	Ratannagar.		10	9	1	....
3.	Kuchaman City.		12	10	2	....

Jaipur, May 20, 1960.

No. 1/F. 1 (7) LSG/60.—In partial modification of this Department Notification No. F. 1 (7) LSG/59 dated 7-4-60 and No. D. 380/F. 1. (50) LSG/59, dated 23-2-60 and in pursuance of section 9 of the Rajasthan Municipalities Act, 1959, the State Government hereby directs that the total number of seats of Municipalities specified under Column 2 shall be the number of seats specified in Column 3 out of which the General and Reserved seats shall be as specified in Column 4 and 5 of the Schedule below for the purpose of the first constitution of the Municipal Boards under the aforesaid Act.

## SCHEDULE

S.No.	Name of Municipality.	Total No. of seats fixed.	General seats.	Reserved seats for	
				Schedule Castes.	Scheduled Tribes.
1.	2	3	4	5 (a)	5 (b)
1.	Rajgarh (Alwar)	10	8	2	....
2.	Phulera	10	8	2	....
3.	Gangapur (Sawai-Madhopur)	12	8	4	....
4.	Deoli	10	8	2	....
5.	Weir	10	7	3	....
6.	Raisinghnagar	10	8	2	....
7.	Udaipur City	33	31	2	....
8.	Salumber	10	8	2	....
9.	Bari Sadri	10	9	1	....
10.	Jhalrapatan	10	9	1	....
11.	Chomu	12	10	2	....
12.	Nadbai	10	7	2	1
13.	Lakheri	10	8	2	....

Jaipur, May 20, 1960.

No. D. 2/F. 1 (7) LSG/60—In pursuance of section 9 of the Rajasthan Municipalities Act, 1959 the State Government hereby directs that the total Number of seats of the Municipalities specified under column 2 shall be the number of seats specified in column 3 out of which the General and Reserved Seats shall be as specified in Column 4 and 5 of the Schedule below for the purpose of the first constitution of the Municipal Boards/Councils under the aforesaid Act.

## SCHEDULE

S.No.	Name of Municipality.	Total No. of Seats fixed.	General seats.	Reserved Seats for	
				Scheduled Castes	Scheduled Tribes.
1	2	3	4	5 (a)	5 (b)
1.	Kishangarh	20	17	2	
2.	Shri-Madhopur	10	8	2	
3.	Bharatpur	23	18	5	
4.	Ganganagar	23	16	7	
5.	Nagaur	15	13	2	
6.	Keshoraipatan	10	8	2	
7.	Bayana	10	7	3	

Jaipur, May 20, 1960.

No. F. 1 (33) LSG/60.—In exercise of the powers conferred by section 299 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby delegates their power to receive objections under section 6 of the said Act, to all the Collectors of the Districts, in their respective jurisdiction.

Published in Raj. Raj-patra part VI (a) dated July 9, 1960 at page 115-116

Local Self-Government Department

NOTIFICATION

Jaipur, June 30, 1960.

No. F. 4 (34) LSG./59.—In exercise of the powers conferred by section 104 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby directs that the Municipal Boards and Municipal Councils specified in the Schedule shall, within their respective limits, levy a tax on the annual letting value of buildings and lands excluding agricultural lands at the rate of 5% of the annual letting value thereof with effect from 1st July, 1960.

By Order of the Governor,

B. P. SOOD,

Secretary to the Government.

SCHEDULE

Name of the District.	Name of the Municipal Board.	Name of the District.	Name of the Municipal Board.
Ajmer.	1. Kekri	Churu.	63. Ratanagar.
	2. Pushkar.	Ganganagar.	64. Ganganagar.
	3. Kishangarh.		65. Karanpur.
	4. Sarwar.		66. Hanumangarh.
Jaipur.	5. Sambhar.		67. Raisinghnagar.
	6. Chomu		68. Suratgarh.
	7. Kotputli.		69. Gajsinghpur.
	8. Bandikue.		70. Sangaria.
	9. Amber.		71. Nohar.
	10. Chaksu.		72. Bhadra.
Sikar.	11. Sikar.		73. Anoopgarh.
	12. Lachhamangarh.	Jodhpur.	74. Jodhpur.
	13. Fatehpur.		75. Phalodi.
	14. Khandela.	Nagaur.	76. Nagaur.
	15. Neem-ka-Thana.		77. Ladnu.
	16. Sri-Madhopur.		78. Merta.
Jhunjhunu	17. Jhunjhunu.		79. Deedwana.
	18. Chirawa.		80. Nawa.
	19. Nawalgarh.		81. Makrana.
	20. Khetri.		82. Parbatsar.
	21. Mandawa.		83. Kuchamanacity.
	22. Mukandgarh.	Pali.	84. Pali.
	23. Baggar.		85. Bali.
	24. Udaipurwati.		85A Sojat.
	25. Vidyavihar.	Jalore.	86. Jalore.
Sawai-	26. Karauli.		87. Bhinmal.
Madhopur.	27. Swai-Madhopur.	Barmer.	88. Barmer.
			89. Balotra.
	28. Gangapur.	Sirohi.	90. Sirohi.
	29. Todabhim.		91. Pindawara.

14 ]      **Notifications under Rajasthan Municipalities Act, 1959**

Tonk.	30. Tonk.		92. Abu Road.
	31. Newai.	Jaisalmer.	93. Jaisalmer.
	32. Malpura.		94. Pokaran.
	33. Uniara.	Udaipur.	95. Udaipur.
Alwar.	34. Deoli.		96. Nathdwara.
	35. Alwar.		97. Rajasamand.
	36. Rajgarh		98. Deogarh.
	37. Kherli.		99. Salumber.
Bharatpur.	38. Bharatpur		100. Bhindar.
		Doongarpur.	101. Doongarpur.
	39. Dholpur.		102. Sagwara.
	40. Deeg.	Chittorgarh.	103. Chittorgarh.
Bikaner.	41. Kama.		104. Partapgarh.
	42. Bayana.		105. Nimbahera.
	43. Bari.		106. Kapasan.
	44. Nadbai.		107. Badisadri.
	45. Weir.	Bhilwara.	108. Bhilwara.
	46. Rajakhera.		109. Shahpura.
	47. Bikaner.		110. Gangapur.
	48. Nokha.	Banswara.	111. Banswara.
	49. Napasar.		112. Kushalgarh.
	50. Gangashahar.	Kota.	113. Kota.
Churu.	51. Bhinasar.		114. Barsn.
	52. Deshnok.		115. Ramganjmandi.
	53. Churu.	Bundi.	116. Chhabra.
	54. Ratangarh.		117. Bundi.
	55. Rajgarh.		118. Nainwa.
	56. Sujangarh.		119. Lakheri.
	57. Sardarshahar.		120. Keshoripatan.
	58. Doongargarh.	Jhalawar.	121. Jhalawar.
	59. Rajaldesar.		122. Jhalrapatan.
	60. Taranagar.		123. Suneltappa.
	61. Chhapor.		
	62. Bidasar.		

*Published in Raj. Raj-patra part VI (a) dated July 28, 1960 at page 43*

Jaipur, July 6, 1960.

No. 9885/F. 1 (7) LSG/60.—In partial modification of this Department Notification No. D. 330/F. 1 (50) LSG/59 dated 22-2-60 and in pursuance of section 9 of the Rajasthan Municipalities Act, 1959, the State Government hereby directs that the number of Seats of Abu-Road Municipality shall be as under:—

Total No. of Seats fixed.	General Seats	Reserved Seats for	
		Scheduled Castes	Scheduled Tribes
12	10	1	1

By Order of the Governor,  
R. D. THAPAR,  
Secretary to the Government.

*Published in Raj. Raj-patra part VI (a) dated August 4, 1960 at page 45-46*

Local Self-Government Department

### NOTIFICATIONS

Jaipur, May 21, 1960.

No. 7398/(1)/F. 9 (d) (125) L.S.G./59.—In exercise of the powers conferred by sub-section (1) (a) of section 303 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) and for the purpose of sub-section I, the State Government is pleased to divide all the Municipalities in Rajasthan into five classes as under:—

City Municipalities with a population of 50,000 and above	... Class I	As per appendix appended herewith.
Municipal Boards having an income over Rs. 2 lacs	... Class II	-do-
Municipal Boards having an income over Rs. one lac to Rs. 2 lacs	... Class III	-do-
Municipal Boards having an income from Rs. 40,000/- to one lac	... Class IV	-do-
Municipal Boards having an income below Rs. 40,000/-	... Class V	-do-

*Appendix showing Classification of Municipal Boards in Rajasthan.*

No.	Municipal Councils	Municipal Boards having an income over Rs. 2 lacs.	Municipal Boards having an income between Rs. 1 lac to Rs. 2 lacs.	Municipal Boards having an income Rs. 40,000/- to one lac.	Municipal Boards having an income below Rs. 40,000/-
1	2	3	4	5	6
I	II	III	IV	V	
1. Ajmer	Kishangarh	Pushkar	Sarwar	Kotputli	
2. Beawar	Tonk	Sikar	Fatehpur	Phulera	
3. Jaipur	Bharatpur	Dholpur	Jhunjhunu	Jobner	
4. Alwar	Ganganagar	Churu	Karauli	Amber	
5. Bikaner	Hanuman- garh	Sardarshahr	Hindaun	Chaksu	
6. Jodhpur	Bhilwara	Karanpur	Newai	Khandela	

7.	Udaipur Banswara	Gajsinghpur	Kherli	Neem-ka- 'Thana
8.	Kota	Bundi	Sangaria	Deeg
9.	Merta	Nohar	Kama	Mandawa
10.	Pali	Nagaur	Nadbai	Mukandgarh
11.	Raisingh- nagar	Bhinmal	Nokha	Baggar
12.	Jalore	Balotra	Rajeldesar	Udaipurwati
13.	Barmer	Doongarpur	Suratgarh	Todabhim
14.	Mt. Abu	Pratapgarh	Bhadra	Malpura
15.	Abu Road	Kekri	Phalodi	Uniar
16.	Sujargarh	Rajgarh (Alwar)	Ladnu	Weir
17.		Rajgarh (Bikaner)	Nawa	Rajakhera
18.		Ratangarh	Makrana	Gangashahr
19.		Dungargarh	Pindwara	Bhinasar
20.		Sirohi	Nathdwara	Deshnok
21.		Chittorgarh	Chhotisadri	Taranagar
22.		Nimbahera	Shahpura	Chhapar.
23.		Baran	Kushalgarh	Bidasar
24.			Ramganj mandi	Ratangarh
25.			Jhalawar	Anoopgarh
26.			Jhalrapatan	Parbatsar
27.			Sambhar	Salumber
28.			Chomu	Bhinder
29.			Ramgarh	Vidya Bihar
30.			Pilani	Gangapur (B)
31.			Gangapur	Chhabra
32.			Bayana	Indergarh
33.			Deedwana	Nainwa
34.			Kuchaman	Keshoraiptan
35.			Bali	Sunel
36.			Sojat	Dausa
37.			Sheoganj	Bandikui
38.			Rajsamand	Chirawa
39.			Lakheri	Bari
40.			Sawai	Bari-sadri
41.			Madhopur	Kapasan
42.			Jaisalmer	Sagwara
43.				Deogarh
44.				Pokaran
45.				Deoli
				Nawalgarh

46.  
47.  
48.  
49.  
50.

Sri Madhopur

Jaipur, June 21, 1960.

No. D. 7398(2)/F. 9. (d) (125) LSG/59.—In exercise of the powers conferred by sub-section (2) of section 303 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government prescribed the following scales of pay for the Commissioners, Executive Officers and Secretaries of Municipalities classified under Government Order No. D. 7398 (1)/F. 9 (d) (125) LSG/59, dated 21 May, 1960:—

- |  |  |
|--|--|
| 1. Municipal Commissioners of Class I Municipalities   | .... Rs. 250-25-400-EB-25-600.         |
| 2. Executive Officers of Class II Municipalities   | .... Rs. 200-10-280-EB-15-400.         |
| 3. Executive Officers of Class III Municipalities and Secretaries of Municipal Councils (I Municipalities) | .... Rs. 150-10-200-EB-10-250-12½-300. |
| 4. Secretaries of Class IV Municipalities  | .... Rs. 80-5-120-EB-8-160-10 220.     |
| 5. Secretaries of Class V Municipalities   | .... Rs. 60-4-80-5-100-EB-5-130.       |

These scales of pay would be admissible only after the Rajasthan Municipal Service has been constituted and substantive appointments thereto have been made in accordance with Rules framed for the purpose.

### ORDER

Jaipur, June 7, 1960.

No. 16097/(2)/59/F. 25 (b) (3) L.S.G./60.—In exercise of the powers conferred by section 299 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby delegates to the Director of Local Bodies that the power to make appointments and transfers of Secretaries of Municipal Boards.

By Order of the Governor,  
R. D. THAPAR,  
Secretary to the Government.

*Published in Raj. Raj-patra part VI (a) dated September 8, 1960 at page 53*  
Jaipur, August 16, 1960.

No. F. (62) L.S.G./60—In exercise of the powers conferred by section 22 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby directs that the provisions made by the Collector in respect of the matters relating the electoral rolls of any Municipality shall be published by affixing a copy thereof on the Notice Board of the Municipal Office concerned.

By Order of the Governor,  
B. P. SOOD,  
Secretary to the Government.

*Published in Raj. Raj-patra part VI (a) dated September 15, 1960 at page 56*  
Office of the Collector, Sikar

### NOTIFICATION

Sikar, August 9, 1960.

No. F. 1 (MB)-Eleo. (P)/1037-61.—In exercise of the powers conferred by sub-section (2) of section 233 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) the powers, specified in sub-section (1) of section 233 of the said Act delegated to the Collectors exercisable within their respective districts *vide* Local Self-Government Department Notification No. F. 4 (34) LSG/A/59 III, dated the 31st December, 1959; are hereby delegated to the Sub-Divisional Officers, Sikar, Fatehpur and Neem-ka-Thana to be exercised within their respective sub-division.

P. K. B. KURUP,  
Collector, Sikar.

*Published in Raj. Raj-patra part VI (a) dated October 6, 1960 at page 53*  
Local Self-Government Department

### NOTIFICATIONS

Jaipur, September 7, 1960.

No. D. 9777/F. 5 (137) LSG/59.—In exercise of the powers conferred by sub-section 5 of 107 of the Rajasthan Municipalities Act (38 of 1959) the State Government hereby grants exemption from the payment of octroi duty on the materials which are supplied by the 'Public Works Department', Rajasthan to the contractors for the construction of Government buildings and roads in Rajasthan.

Jaipur, September 13, 1960.

No. F. 4 (34) LSG/A/59.—In partial modification of this Department Notification of even number, dated the 30th June, 1960 and in exercise of the powers conferred by section 104 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby directs that the name of Abu Road Municipality appearing at item No. 92 of the Schedule attached thereto shall be deleted and always be deemed to have been deleted.

By Order of the Governor,  
VIJAY SINGH,  
Dy. Secretary to the Government.

Jaipur, September 12, 1960.

No. D. 15366/F. 8 (50) LSG/60.—In exercise of the powers conferred by section 107 (5) of the Rajasthan Municipalities Act, 1959, the Governor has been pleased to exempt the 'Garulia Lohar' from the payment of octroi duty on their finished goods when brought for sale in Ajmer Municipal limits as a special case.

By Order of the Governor,  
VIJAY SINGH;  
Secretary to the Government.

*Published in Raj. Raj-patra part VI (a) dated December 31, 1960 at page*

Local Self-Government Department

# NOTIFICATION.

Jaipur, December 30, 1960.

No. F.1. (42) LSG/59.—In exercise of the powers conferred by the proviso to sub-section (1) of section 11 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the State Government hereby extends the terms of the Municipalities mentioned below up to 28th February, 1961, or till the new Municipalities are constituted, whichever may be earlier:—

- |                    |                  |
|--------------------|------------------|
| 1. Dausa.          | 12. Sangaria.    |
| 2. Lachmangarh.    | 13. Phalodi.     |
| 3. Chirawa.        | 14. Barmer.      |
| 4. Mandawa.        | 15. Abu Road.    |
| 5. Banswara.       | 16. Dungarpur.   |
| 6. Deshnok.        | 17. Sagwara.     |
| 7. Rajgarh (Churu) | 18. Nimbahera.   |
| 8. Taranagar       | 19. Lakheri.     |
| 9. Ratannagar.     | 20. Jhalrapatan. |
| 10. Suratgarh.     | 21. Sunel.       |
| 11. Gajsinghpur.   | 22. Sojat.       |

By Order of the Governor,  
A. K. ROY,  
Secretary to the Government.

*Published in Raj. Raj-patra part 6 (a) dated January 25, 1962 at page 170 :*

Local self Government Department

# NOTIFICATION

*Jaipur, January 5, 1962.*

No. F. 8 (168) LSG/61.—In exercise of the powers conferred by sub-section (5) of section 107 of the Rajasthan Municipalities Act, 1959 (38 of 1959), the State Government being of the opinion that reasonable grounds exist for doing so hereby grants exemption from the payment of Octroi duty leviable under section 104 of the said Act, on equipment viz. stationery, furniture imported by all the Panchayat Samiti in Rajasthan.

By Order of the Governor,

P. N. SETH,

Deputy Secretary to the Government.

*Published in Raj. Raj-patra part VI (a) dated April 5, 1962 at page 1 :*

Local self-Government Department

# NOTIFICATIONS

*Jaipur, March 9, 1962.*

No. 2092/62/F. 9 (d) (125) LSG/B/59.—In continuation of this Department notification No. D. 7398/(1)/F. 9 (d) (125) LSG/59, dated 21-5 1960 regarding classification of Municipal Boards, the State Government is pleased to classify Municipal Board, Todaraisingh (recently converted from Panchayat to Municipal Board) as a Municipality of Class V

By Order,

P. N. SETH,

Deputy Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated October 25 1962, at page 566:*

Local-self Government Department

# NOTIFICATION

*Jaipur, September 25, 1962.*

No. F. 8 (811) LSG/62.—In continuation of this Department Notification No. F. 8 (84) LSG/62 dated the 6th September, 1962, The State Government in exercise of the powers conferred by section 284 of the Rajasthan Municipalities Act 1959 (Act No. 38 of 1959), further authorises the Assistant Director of Local Bodies, Rajasthan, Jaipur to inspect the offices of all Municipal Boards and Municipal Councils as the case may be and also call for the records thereof.

By Order of the Governor,

B. L MEHTA,

Dy. Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated September 30, 1962 at page 1 :*

Local self-Government Department

### ORDER

*Jaipur, September 30, 1962.*

No. F. 4 (34) LSG/59.—In supersession of the Notifications noted in the margin and in exercise of the powers conferred by

1	No. F. 4 (34) LSG/57 dated 30-60
2	No. F. 4 (34) LSG/57 dated 28-3-62
3	No. F. 8/105/LSG/61 dated 6-4-52
4	No. F. 4 (34) LSG/59 dated 6-7-62

section 104 of the Rajasthan Municipalities Act, 1959, (Act No. 38 of 1959) the State Government hereby directs that all the Municipal Boards and Municipal Councils (Except Jaipur, Ajmer, Beawar and Abu Road) shall within their respective limits, levy a tax on the annual letting value of the buildings and lands excluding agricultural lands at the following rates with effect from 1st October, 1962:—

<i>Annual letting value.</i>	<i>Rate of Tax</i>
Above the exemption limit and up to Rs. 300/- per annum.	4%
Above Rs. 300/- and up to Rs. 600/-	5%
Above Rs. 600/- and up to Rs. 1,200/-	6½%
Above Rs. 1,200/-	7 %

By Order of the Governor,  
B. L. MEHTA,

Dy-Secretary to the Government.

*Published in Raj. Raj-part patra IV (c) at page 31 :*

Local self Government Department

### NOTIFICATION

Dated Jaipur, the 4th April, 1962.

No. F. 5 (128) LSG/A/58.—In exercise of the powers conferred by Section 297 (2) (b) read with Section 8 (c) of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the State Government hereby makes the following amendment in the Rules for the guidance of the Beawar Municipal Committee authorised to recommend or grant a licence issued vide Notification No. 9/33/52-LSG dated 10th August, 1953 of the erstwhile State of Ajmer in Medical and Local Self Government Department namely:—

### AMENDMENT

For the existing rule 3 of the said rules the following shall be substituted, namely:—

"3. In case of Enginers Motors installed in establishments where provisions of the Factories Act do not apply, space sufficient to the satisfaction of the licensing authority shall be maintained."

*Published in Raj. Raj-patra part IV (c) dated May 14, 1962 at page 1 :*

Local self-Government Department

# NOTIFICATION

*Jaipur, April 6, 1962.*

No. F. 8/105/LSG/61.—In exercise of the powers conferred by section 104 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) and sub-section (1) and clause (c) of sub section (2) of section 297 thereof, the State Government hereby directs that with effect from 1st June, 1962 the rate of the Tax levied on the annual letting value of buildings and lands situated within the limits of the Mount Abu Municipality shall be 5% of such value.

By Order of the Governor,  
P. N. SETH,

Deputy Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated August 10, 1962, at page 293-297:*

## LOCAL SELF-GOVERNMENT DEPARTMENT

### NOTIFICATIONS

*Jaipur, August 6, 1962*

No. F. 8/84/LSG/62-1.—In supersession of this Department notifications No. F. 4/34/LSG/59-I, dated the 13-11-59, No. 12165/F.8/126/LSG/60, dated 20-2-60 and No F. 4/34/LSG/59-II, dated 13-11-59 and in exercise of the powers conferred by section 299 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959) the State Government hereby delegates the powers exercisable by it in respect of the provisions of the aforesaid Act, specified in column (2) to the Officer specified in the corresponding column (3) of the Schedule below with immediate effect—

### SCHEDULE

S. No.	No. of Section under which powers are delegated	Officer whom the powers are delegated.
1	2	3
1.	63/1(a) and (b)	1. Director of Local Bodies, Rajasthan, Jaipur in respect of Municipal Councils and Municipal Boards of towns with population exceeding fifty thousand. 2. Collector of the District concerned in respect of other Municipal Boards.
2.	65(15)	1. Director of Local Bodies, Rajasthan Jaipur in respect of Municipal Councils and Municipal Boards of towns with population exceeding fifty thousand.

- |    |                           |  |
|----|---------------------------|--|
|    |                           | 2. Collector of the District concerned in respect of Municipal Board at District Headquarters excluding Municipal Boards of towns with population exceeding 50,000.  |
|    |                           | 3. Sub-Divisional Officer concerned in respect of other Municipal Boards.  |
| 3. | 80(5)                     | 1. Director of Local Bodies, Rajasthan, Jaipur up to Rs. 40,000/-.   |
|    |                           | 2. Collector of the District concerned in respect of all Municipal Boards within his District except the Municipal Councils and Municipal Boards of towns with a population exceeding 50,000 up to Rs. 20,000/-. |
|    |                           | 3. Sub-Divisional Officer concerned in respect of Municipal Boards except those referred at item 2 above and Municipal Boards at District Head Quarters - up to Rs. 10 000/-.                                    |
| 4. | 101 (x)                   | Director of Local Bodies Rajasthan, Jaipur.  |
| 5. | 114(1) and 310<br>(1) (a) | 1. Director of Local Bodies, Rajasthan, Jaipur in respect of Municipal Boards of towns with a population exceeding 50,000.   |
|    |                           | 2. Collector of the District concerned in respect of Municipal Boards at District Head Quarters excluding Municipal Boards and towns with a population exceeding 50,000.   |
|    |                           | 3. Sub-Divisional Officer concerned in respect of other Municipal Boards.  |
| 6. | 310 (5)                   | 1. Director of Local Bodies, Rajasthan, Jaipur in respect of Municipal Boards of towns with a population exceeding 50,000.   |
|    |                           | 2. Collector of the District concerned in respect of Municipal Boards at District Head Quarters excluding Municipal Boards and towns with a population exceeding 50,000.   |
|    |                           | 3. Sub-Divisional Officer concerned in respect of other Municipal Boards.  |

*Jaipur, August 6, 1962.*

No. F-8/84/LSG/62-II.—In supersession of this Department Notification No. F. 4/34/LSG/59-II, dated 13th November, 1959, and in pursuance of powers conferred by sub-section 12 of section

65 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises:—

1. Director of Local Bodies, Rajasthan, Jaipur in respect of Municipal Councils and Municipal Boards of towns with a population exceeding 50,000.
2. Collectors concerned in respect of Municipal Boards at District Head Quarters excluding Municipal Boards of towns with a population exceeding 50,000.
3. Sub-Divisional Officers concerned in respect of other Municipal Boards, to receive a notice of resignation that may be given by a President/Chairman.

*Jaipur, August 6, 1962.*

No. F. 8/84/LSG/62-III.—In supersession of this Department Notification No. F. 4/34/LSG/59, dated the 25th November, 1959 and in pursuance of clause (f) of Section 67 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959), the State Government hereby appoints:—

1. The Director of Local Bodies, Rajasthan, Jaipur in respect of Municipal Councils and of Municipal Boards of towns with a population exceeding 50,000.
2. The Collector of the District concerned in respect of Municipal Boards at the District Head Quarters exceeding Municipal Boards of towns with a population exceeding 50,000.
3. Sub-Divisional Officer concerned in respect of other Boards to be the officer to whom a copy of every resolution passed at any meeting of the Municipal Council/Board shall be furnished by the President/Chairman thereof.

*Jaipur, August 6, 1962.*

No. F. 8/84LSG/62-IV.—In supersession of this Department Notification No. F. 4/34/LSG/A/59-III, dated the 13th November, 1959, and in pursuance of sub-section 2 of Section 86 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby appoints:—

1. Director of Local Bodies, Rajasthan, Jaipur in respect of Municipal Councils and Municipal Boards of towns with a population exceeding 50,000.
2. Collector concerned in respect of Municipal Councils and Municipal Boards at the District Head Quarters excluding Municipal Boards of towns with a population exceeding 50,000, and
3. Sub-Divisional Officer and respect of other Municipal Boards to be the officer to whom a sweeper or scavenger who is

discharged, dismissed or removed from employment under any provision of the said Act may apply for setting aside the order of such discharge, dismissal or removal.

*Jaipur, August 6, 1962.*

No. F. 8/85/LSG/62/-V.- In supersession of this Department Notification No. F. 4/34/LSG/59-VII, dated the 13th November, 1959 and in exercise of the powers conferred by Section 231 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises:—

1. Director of Local Bodies, Rajasthan, Jaipur in respect of Municipal Councils and Municipal Boards of towns with a population exceeding 50,000.
2. Collector concerned in respect of Municipal Boards at the District Head Quarters excluding Municipal Boards of towns with a population exceeding 50,000, and
3. Sub-Divisional Officer in respect of other Municipal Boards to be the Officer to whom a copy of the Annual Accounts finally passed by a Municipal Board or a Municipal Council, as the case may be, shall be transmitted.

*Jaipur, August 6, 1962.*

No. F. 8/84/LSG/62-VI.—In supersession of this Department Notification No. F. 4/34/LSG/A/59-III, dated the 31st December, 1959 and in exercise of the powers conferred by sub-section 1 of section 233 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises:—

1. Director of Local Bodies and Assistant Director, Local Bodies, Rajasthan, Jaipur for all Municipal Councils and Municipal Boards.
2. Collector of the District for all the Municipalities within his District, and
3. Sub-Divisional Officer for all Municipal Boards within the Sub-Division except Municipal Councils and Municipal Boards at District Head Quarters and Municipal Boards of towns with a population exceeding 50,000.

*Jaipur, August 6, 1962.*

No. F. 8(84)LSG/62/VII.—In exercise of the powers conferred by section 284 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises the following officers to inspect the officers of the Municipal Boards and Municipal Councils as the case may be, and to call for the records thereof:—

- |   |   |
|---|---|
| 1. Director of Local Bodies,<br>Rajasthan, Jaipur | All Municipal Council and<br>Municipal Boards.  |
| 2. Collectors .. ...                              | All Municipal Boards within<br>his district.  |
| 3. Sub-Divisional Officer                         | All Municipal Boards within<br>his Sub-divisional except at the<br>District Head Quarter. |

This supersedes this Department Notification No. F. 4/(34) LSG/A/59-VIII, dated 13-11-1959.

By Order of the Governor,  
S. P. SINGH BHANDARI  
*Secretary to the Government.*

*Published in Raj. Raj-patra part 6 (a) dated August 29, 1962, at page 1 :*

Local Self-Government Department  
NOTIFICATION

*Jaipur, August 24, 1962.*

No. F. 8 (84) LSG/62.—In supersession of all previous orders in this behalf the following orders are issued :—

The Director, Local Bodies, Rajasthan, Jaipur in respect of Municipal Councils and Municipal Boards in towns with a population exceeding 50,000, the Collector of the District in respect of Municipal Boards at District Head Quarters excluding Municipal Boards of towns with a population exceeding 50,000 and Sub-Divisional Officer in respect of other Municipal Boards shall exercise the following powers in respect of the posts encadred in the Rajasthan Municipal Service Rules, 1959 :—

1. To grant all kinds of leave.
2. To grant allowances according to scales prescribed by the Government.
3. To grant annual grade increments.
4. To prepare and verify pension, gratuity and provident Fund cases.

In respect of employees other than those referred to above the authorities specified above will exercise the following powers :—

1. To sanction allowances according to the scales prescribed by the Government.
2. To prepare and verify pension, gratuity and Provident Fund cases.
3. To recommend appointment of Food Inspectors and other matters relating the provisions of Food Adulteration Act.

In addition, the aforesaid authorities shall exercise the following powers:—

# Notifications under Rajasthan Municipalities Act, 1959.

1. To countersign T.A. bills of Chairman and Presidents.
2. To ensure compliance of inspections and audit objections.
3. To report cases of misappropriation and embezzlement.

The Collector of the District shall accord permission to undertake journey outside the Rajasthan to any Chairman/President of any Municipality within his district.

B. L. MEHTA,

Deputy Secretary to the Government.

*Published in Raj. Raj-patra part IV (c) dated November 19, 1962 at page 612 :*  
Local Self-Government Department

## NOTIFICATION

*Jaipur, October 31st, 1962.*

No F. 8 (106)LSG/59.—In partial modification of sub-clause (vi) of clause 2 of this Department Notification No. F. 4 (32)LSG/59, dated the 17th July, 1961 and proviso third of sub-clause (i) of clause (2) of this Department Notification No. C. 7 (187) LSG/58, dated the 8th March, 1962 the Governor has been pleased to order that perference shall be given to members of schedule castes and schedule tribes in allotment of plots reserved for low income group people.

By Order of the Governor,  
S. P. SINGH BHANDARI,  
Secretary to the Government.

*Published in Raj. Raj patra part IV (c) dated December 19, 1962 at page 584:*

## NOTIFICATIONS

*Jaipur, December 10, 1962.*

No. F. 8/84/LSG/62.—I.—In partial modification of this Department Notification No. F. 8/84/LSG/62.—I, dated the 6th August, 1962 and in exercise of the powers conferred by section 299 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959), the State Government hereby delegates the powers exercisable by it in respect of the provisions of the aforesaid Act specified in column (2) to the officer specified in the corresponding column (3) of the schedule below with immediate effect :—

S. No.	No. of Section under which powers are delegated	Officer to whom the powers are delegated
1	2	3
1. 63 (1) (a) & (b)		Director of Local Bodies in respect of all Municipalities.
1. 65 (15)		Director of Local Bodies in respect of all Municipalities.

3. 80 (5)
  1. Director of Local Bodies, Rajasthan, Jaipur up to Rs. 40,000/-.
  2. Collector of the District concerned in respect of all the Municipalities within his district except the Municipal Councils and Municipal Boards with a population exceeding 50,000 up to Rs. 20,000/-.
4. 114 (1) & 310 (1) (a) Director of Local Bodies in respect of all Municipalities.
5. 310 (5)
  1. Director of Local Bodies, in respect of all Municipal Councils and Municipal Boards of towns with a population exceeding 50,000/-.
  2. Collector of the District concerned in respect of the remaining Municipalities within the district.

*Published in Raj. Raj-patra part IV (c) dated December 29, 1962 at page 585 :*

*Jaipur, December 10, 1962.*

No. F. 8 (84) LSG/62-II.—In supersession of this Department Notification No F. 8 (84) LSG/62-VI dated 6th August, 1962 and in exercise of the powers conferred by sub-section (1) of section 283 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby authorises :—

1. Director of Local Bodies, and Assistant Director of Local Bodies, Rajasthan, Jaipur for all Municipal Councils and Municipal Boards.
2. Collector of the District for all the Municipalities within his District.

to exercise powers under the aforesaid provisions

*Jaipur, December 10, 1962.*

No. F. 8/84/LSG/62.—In supersession of this Department Notification No. F. 8/84/LSG/62-III dated 6th August, 1962 and in pursuance of clause (f) of section 67 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959), the State Government hereby appoints :—

1. The Director of Local Bodies, Rajasthan Jaipur in respect of Municipal Councils and Municipal Boards of towns with a population exceeding 50,000/-.
2. Collector of the District in respect of remaining Municipalities within his district.

to be the officer to whom a copy of every resolution passed in any Meeting of the Municipal Council/Board shall be presented by the President/Chairman thereof.

By Order of the Governor,  
S. P. SINGH BHANDARI.  
*Secretary to the Government.*

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*Rules and Notifications under*  
NATHDWARA TEMPLE ORDINANCE AND ACT, 1959.

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*Notifications under*

**NATHDWARA TEMPLE ORDINANCE & ACT, 1959**

*Published in Raj. Raj patra part IV (c) dated February 10, 1959 at page 169-70*

Revenue (A) Department

**NOTIFICATIONS**

Jaipur, February 10, 1959.

*No. F. 1 (c) (89)/Dev/Udpr/58.*—In exercise of the power conferred by sub-section (2) of section 1 of the Nathdwara Temple Ordinance, 1959 (No. 2 of 1959), the State Government hereby appoints the 10th day of February, 1959, to be the date on which the said Ordinance shall come into force.

Jaipur, February 10, 1959.

*No. F. 1 (c) (89) Dev./Udpr./58.*—In exercise of the power conferred by section 19 of the Nathdwara Temple Ordinance, 1959 (No. 2 of 1959), the State Government hereby appoints Shri M. G. Dalela, R.A.S. as the Chief Executive Officer of the Nathdwara Temple with immediate effect.

Jaipur, February 10, 1959.

*No. F. 1 (c) (89) Dev /Udpr./58.*—In exercise of the power conferred by section 35 of the Nathdwara Temple Ordinance, 1959 (No. 2 of 1959), the State Government hereby appoints the following persons to discharge all the duties of the Nathdwara Temple Board until such Board is constituted as contemplated by section 5 of the said Ordinance:—

1. Shri K. D. M. Thakersey, Bombay.
2. Shri Vandravandas P. Kapadia, Bombay.
3. Commissioner Division, Udaipur.

By Order of the Governor,  
R. K. CHATURVEDY,  
Secretary to the Government.

Published in Raj. Raj-patra part IV (c) dated November 3, 1959 at page 729-30

Revenue 'A' Department

NOTIFICATION

Jaipur, November 3, 1959.

No. F. 3 (c) (91) Rev./A/59.--In exercise of the powers conferred by section 5 of the Nathdwara Temple Act, 1959 (Act No. 13 of 1959), the State Government hereby appoints the following persons as the President and the members of the Nathdwara Temple Board as specified against their respective names:—

- |   |                          |
|---|--------------------------|
| 1. Shri K. M. D. Thackersey of Bombay             | President.               |
| 2. Shri Vandravan Purshottam of Bombay            | Member.                  |
| 3. Shri Vrajlal Vassanjee Laljee of Bombay        | Member.                  |
| 4. Shri Ghanasham Dass Podar of Rajasthan         | Member.                  |
| 5. Shri Gopikishen Murlidhar Malani of Hyderabad  | Member.                  |
| 6. Shri Chaturbhuj Chimanlal of Baroda            | Member.                  |
| 7. Shri Popat Lal Kotak of Saurashtra             | Member.                  |
| 8. Shri Balwant Singh Mehta of Rajasthan          | Member.                  |
| 9. Shri Jadavji Keshavji Modi M.P. of Saurashtra. | Member.                  |
| 10. Commissioner, Udaipur Division, Udaipur.      | Member.<br>(Ex-Officio). |

By Order of the Governor,  
R. K. CHATURVEDY,  
Secretary to the Government.

## *Notifications under*

### RAJASTHAN MUNICIPALITIES ACT, 1959

Jaipur, February 19, 1963.

No. F. 8 (6) LSG/61/11.—In pursuance of section 104 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the State Government hereby directs that every municipal board and municipal council levying octroi shall, from the date of publication of this notification in the official Gazette, levy octroi on goods and animals brought within the limits of the municipality concerned for consumption, use or sale therein at the rates in force in the concerned municipality immediately before the commencement of this notification.

By Order of the Governor;  
S.P. SINGH BHANDARI,  
Secretary to the Government.

[Pub. in Raj. Gaz. 4 (C)—Dt. 2-19-63 at Page 706]

Local Self Government, Department

Jaipur, April 2, 1964.

Notification No. Tax/F. 8 (150) LSG/60.—In partial modification of this Department Notification No. Tax/F. 8 (150) L.S.G/60, date the 6th August, 1963 and in exercise of the powers conferred by sub-section (5) of section 107 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) the State Government, being of the opinion that reasonable grounds exist for doing so, grants general exemption from the payment of octroi leviable under section 104 of the said Act on garments, towels, and durries made of khadi.

[Pub. in Raj. Gaz. Ex. 4 (Ga) Dt. 16-12-65. Page 477]

Local Self Government Department

Jaipur, June 29, 1966

Notification No. Tax/F 118 (1) DLB/58.—In exercise of the powers conferred by sub-section (5) of section 107 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959) the State Government being of the opinion that reasonable grounds exist for doing so, hereby grants exemption from payments of octroi duty on the imports meant for Red Cross Society throughout the State of Rajasthan provided that such goods are accompanied with a certificate signed by an officer of the organisation to the effect that they are Red Cross Stores.

[ Pub. in Raj. Gaz. 4 (Ga)—Dt. 16-2-67—Page 575 ]

## LOCAL SELF-GOVERNMENT DEPARTMENT

Jaipur, June 12, 1967

**Notification No. Tax/F. 38 (Misc.) DLB/67/15216-15466.**—In exercise of the powers conferred by sub-section (5) of section 107 of the Rajasthan Municipalities Act 1959 (Act No. 38 of 1959), the State Government, being of the opinion that reasonable grounds exists for doing so hereby grants exemption from payment of octroi duty on condoms imparted within the Municipal Towns of Rajasthan.

[Pub. in Raj. Gaz. Ex. 4(Ga)—Dt. 12-6-67]

Local Self Government Department

Jaipur, October 24, 1967

**Notification No. Tax/F. (69) (4)/DLB/59/29154-29410.**—In exercise of the powers conferred by sub-section (5) of section 107 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959) the State Government, being of the opinion that reasonable grounds exist for doing so, hereby exempts such of the equipment i. e. stationery and furniture as is imported by the Zila Parishads of Rajasthan from payment of octroi duty as leviable under section 104 of the Rajasthan Municipalities Act, 1959.

[Published in Raj. Gaz. 4 (Ga)—Dt. 23-11-67 Page 836]

Local Self Government Department

Jaipur, December 1, 1965.

**Notification No. F. 8 (60) LSG/62/2390 23327.**—In exercise of the powers conferred by sub-section (5) of section 107 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959) the State Government being of the opinion that reasonable grounds exist, for doing so, hereby grants exemption to the army personnel in active service residing in any municipal area from payment of tax on the annual letting value of buildings or land or both as provided in clause 1 of section 104 of the said Act

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 3-8-67—Page 555]

Notification No. F. 4 (34) L. S. G./59-I.—In exercise of the powers conferred under clause (u) of sub-section (2) of section 29 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby directs that the classification of the Municipal Board and Municipal Councils for the purpose of the aforesaid provisions shall be as specified in the Schedule below :—

## SCHEDULE

S. No.	Municipal Council (Class-I)	Municipal Boards				Municipal Boards having an income below Rs. 40,000/- (Class-V)
		having an income over Rs. 2 lacs (Class-II)	having an income between Rs. 1 lac to Rs. 2 lacs (Class-III)	having an income of Rs. 40,000/- to 1 lac (Class-IV)	having an income below Rs. 40,000/- (Class-V)	
1	2	3	4	5	6	6
1.	Ajmer	....	Kishangar	Pushkar	Sarwar	Kotputli
2.	Beawar	....	Tonk	Dholpur	Fatehpur	Phulera
3.	Jaipur	....	Bharatpur	Churu	Jhunjhunu	Jobner
4.	Alwar	....	Hanumangar	Sardarsahar	Karauli	Amber
5.	Bikaner	....	Bhilwara	Karanpur	Hindaun	Chaksu
6.	Jodhpur	....	Banswara	Gajsinghpur	Newai	Khandela
7.	Udaipur	....	Bundi	Sangaria	Kherli	Neem-ka-thana
8.	Kota	....	Merta	Nohar	Deeg	Mandawa
9.	Sikar	....	Pali	Nagaur	Ka Na	Mukandgarh
10.	Ganganagar	....	Raisinghnagar	Bhimtal	Nadbai	Baggar
11.		Jalore	Balotra	Nokha	Udaipurwati	Udaipurwati
12.		Barmer	Dungarpur	Rajaldesar	Toandabhim	Toandabhim
13.		Mount-Abu	Partapgarh	Surajgarh	Malpura	Malpura
14.		Abu-road	Kekri	Bhadra	Uniara	Uniara
15.		Sujangarh	Rajgarh (Alwar)	Pbalodi	Weir	Weir
16.			Rajgarh (Churu)	Ladnu	Rajakhera	Rajakhera
17.			Tatangarh	Nawa	Gangashahar	Gangashahar
18.			Dungargarh	Makrana	Bhinasar	Bhinasar
19.			Sirohi	Pindwara	Deshnokh	Deshnokh

20.	Chittorgarh	Nathdwara	Taranagar
21.	Nimbahera	Chhotisadri	Chhapar
22.	Baran	Shahpura	Bidasar
23.		Kushalgarh	Ratangarh
24.		Ramganjmandi	Anupgarh
25.		Jhalawar	Parbatsar
26.		Jhalrapatan	Salumber
27.		Sambhar	Bhinder
28.		Chom	Vidya Bihar
29.		Ramgarh	Gangapur (Bhilwara)
30.		Pilani	Chhabra
31.		Gangapur	Indergarh
32.		(Sawaimadhampur)	Nainwa
33.		Bayana	Keshoraipatan
34.		Deedwana	Sunel
35.		Kuchaman	Dausa
36.		Bali	Bandikui
37.		Sojat	Chirwa
38.		Sheoganj	Bari
39.		Rajasmand	Barisadri
40.		Lakheri	Kapasan
41.		Sawaimadhampur	Sagwara
42.		Jaisalmer	Deogarh
43.		Bhawanimandi	Pokran
44.			Deoli
45.			Nawalgarh
46.			Sri Madhopur
47.			Surajgarh
48.			Khetri
49.			Bissau
50.			Laxmangarh
51.			Todarisingh

**Notification No. 1109/D.L.B /64.**—In exercise of the powers conferred by Section 299 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959, the State Government hereby delegates the powers exercisable by it under Section 171 of the said Act to the Collector, Kota in relation to the areas within the municipal limits of Kota.

[Local Self Government Department Notification dated 3-4-64 Pub. in Raj. Gaz. Ex. Part 4 (Ga.)-dated 3-4-64]

### LOCAL SELF GOVT. DEPARTMENT

Jaipur, September 29, 1965.

**Notification No F. 8 (84) LSG/62.**—In continuation of this Department Notification No. F. 8 (84) LSG/62/1, dated the 10th December, 1962 and in exercise of the powers conferred by sub-section (1) of section 283 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959) the State Government hereby further authorises the Accounts Officer, Directorate of Local Bodies, Rajasthan, Jaipur to exercise powers under the provisions of the aforesaid section in respect of all Municipal Councils and Municipal Boards in Rajasthan.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 17-2-66 Page 541]

### Local Self Government Department

Jaipur, April 30, 1966.

**Notification No. 8 (84) 7 sg/62.**—In exercise of the powers conferred by sub section (1) of section 300 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959) and in supersession of this Department Notification No. F. 4 (34) LSG/59. dated the 12th Jan., 1959, and No. F. 4 (34) LSG./59, dated 5-12-1961, the State Government hereby authorises:—

(1) The Chairman Board of Revenue, Rajasthan, Ajmer in respect of Municipal Councils in Rajasthan;

(ii) The Director of Local Bodies, Rajasthan, Jaipur in respect of Municipal Councils and all Municipal Boards, in Rajasthan;

(iii) Revenue Appellate Authority in respect of Municipal Board in their respective jurisdiction;

as the authority to call for the record under the provision of the aforesaid section:

Provided that all the officers taking any action under the said section shall ascertain that the aggrieved party has submitted an affidavit of the fact that the applicant has not filed his grievances in any other court of the same nature which is under consideration to the officer calling for the record under the said section.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 25-8-66 Page 267]

## Local Self-Govt. Department

Jaipur, July 18, 1967

Notification No. Tax/Rulei/F. (31) DLB/67/19693.—In pursuance of sub-section (1) of section 308 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act No. 38 of 1959), the State Government are hereby pleased prescribe the following duties for the Revenue Officers:—

## Duties of the Revenue Officers

1. To check and supervise the work of a-assessment and realisation of taxes imposed under sections 104 and 105 of the Rajasthan Municipalities Act, 1959.
2. To check and supervise the work of assessment and realisation of all tolls, rates, cesses, fees or other imposts levied under the Act.
3. To inspect octroi & other out-posts at reasonable intervals and such other places as may be determined by the Council Board.
4. To check, inspect and supervise the work of assessment and realisation of all other revenues to be collected for and on behalf of the Municipalities under other Acts, Rules, Bye-laws or Orders.
5. To deal with the cases relating to above matters and other subjects which are directly and indirectly concerned with the Municipal Revenues.
6. To ensure proper & timely maintenance of all the assessment demand and collection registers and other registers as provided under the relevant rules and bye-laws or orders of competent authority.
7. To ensure proper and timely reconciliation of collections posted in various Demand and Collection Registers, with the figures recorded in Accounts Section and recording necessary certificate.
8. To compile statistics and prepare returns of the revenue assessed, collected and in arrears.
9. To perform all other functions and prepare other periodical statement relating to the revenue work as may be entrusted to him by the Commissioner/Executive Officers from time to time.
10. To assist the Municipal Advocate/Parokar in Court cases pertaining to Municipal revenue.

[Pub. in Raj. Gaz. 4 (Ga) Dt. 21-9-67—Page 704]

## LOCAL SELF GOVT. DEPARTMENT.

Jaipur, October-24, 1967.

Notification No. Tax/F. 86 (10) DLB/59/28636-28896.—In continuation of this Department Notification No. F. 8 (84) LSG/62-III, dated the 19th December, 1962 and in exercise of the powers conferred by section 299 of the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), the State Government hereby delegates powers exercisable by it in respect of clause (5) of section 310 of the said Act to the Additional Collector also in respect of municipal board having population of 50,000 or below.

[Pub. in Raj. Gaz: 4 (Ga)—Dt. 23-11-67—Page 836]

Local Self-Government Department

Jaipur. April 1, 1965.

Notification No. Tax/Rules/F (25) DLB/64/8503.—In pursuance of sub-clause (d) of clause 1 read with sub-clause (1) of Clause 4 of this Department Notification No F. 7 (187) LSG/59-II, dated the 8th October, 1959, the State Government hereby directs:—

1. That 50% of the total receipts on account of sale of Nazul lands in respect of Municipalities of Ajmer, Beawar, Jodhpur, Jaipur, Udaipur, Bikaner, Ganganagar, Sikar, Alwar and total amount of such receipts in case of other municipalities shall constitute the 'Development Fund' of each Municipality. (Note:—The remaining 50% of the receipts on account of Sale of Nazul Lands in respect of the Municipalities of Ajmer, Beawar, Jodhpur, Jaipur, Udaipur, Bikaner, Ganganagar, Sikar and Alwar shall be credited to the Consolidated Fund of the State under head "Receipt Extraordinary Receipt from Sale of Land-3-Sale of Land in other areas").

That the total amount so received shall be deposited in a bank doing treasury business in Rajasthan or with a Post Office Savings Bank as "Personal Deposit Account" to be designated as 'Development Fund' to be withdrawn only with the prior permission of the Collector in respect of District Head Quarters and Sub-Divisional Officers in case of other towns.

3. That the total amount so credited to the Development Fund shall be utilised solely for the improvement of the Municipal Area concerned.

4. That the Development Fund shall be operated according to the provisions of the Rajasthan Municipal Accounts Rules, 1963.

5. That the accounts relating to the Development Fund shall be subject to audit by the Examiner, Local Fund Audit Department, Rajasthan, Jaipur in accordance with the provisions of the Rajasthan Local Fund Audit Act, 1954 and the Rules made thereunder.

[Pub. in Raj. Gaz. Ex 4 (Ga)—Dt. 2-4-65—Page 3]

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*Rules and Notifications under*

NATIONAL CADET CROPS ACT. 1948  
( CENTRAL ACT No. 31 OF 1948. )

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*Notifications under*

**NATIONAL CADET CORPS ACT, 1948.**

*Published in Raj. Raj-patra Vol. 4 part I at page 85:*

**EDUCATION DEPARTMENT.**

**NOTIFICATION.**

Jaipur, April 18, 1952.

No. F. 6 (20) Edu.-11/52.—As required by article 21 clause (1) of National Cadet Corps rules (framed by the Central Government in exercise of the powers conferred by section 13 of the N. C. C. Act, 1948 (XXXI of 1948), read with Appendix D of the same rules, the Government of Rajasthan are pleased to constitute a Selection Board for the Selection of officers in the N. C. C. Units in Rajasthan consisting of the following:—

1. Shri Mathuralal M. A., Director of Education, Rajasthan, Jaipur.
2. One Army Officer as nominated by the Brigade Commander, Jodhpur.
3. Shri S. K. Zibbu, M. sc. (Retired Secretary to the Government of Rajasthan Education Department).

By Order of  
His Highness the Rajpramukh.  
J. N. PUROHIT,  
Secretary to the Government.

*Published in Raj. Raj-patra Vol. 2 No. 29 Dated 1-7-50 at page 216 :*

Department of Education.

**ORDER.**

Jaipur, June 10, 1950.

No. D-3705/Edu./II/1950.—As required by article 40, Clause 3 of National Cadet Corps Rules, 1948, the Government of Rajasthan are pleased to empower the Vice Chancellor of the University of Rajputana to take disciplinary action regarding N. C. C. Officers and cadets belonging to Senior Division N. C. C. Units functioning in Rajasthan.

2. The Government are further pleased to empower the Director of Education, Rajasthan, to take disciplinary action as above regarding the Officers and Cadets belonging to Junior Division Units of N. C. C. functioning in Rajasthan.

By Order.  
S. K. ZIBBU,  
Secretary to the  
Government of Rajasthan,  
Education Department.

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*Rules and Notifications under*

RAJASTHAN NEERA (UNFERMENTED JUICE OF  
PALMS) RULES, 1960.

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*Notification under*

**RAJ. NEERA (UNFERMENTED JUICE OF PALMS)  
RULES, 1960**

**Excise Department  
Jaipur, October 28, 1965**

**Notification No. F. 16/OP/A/474.—**In exercise of the powers conferred by rule 5 of the Rajasthan Neera (Unfermented Juice of Palms) Rules, 1960, the Excise Commissioner, Rajasthan, hereby prescribes the under-mentioned fees for the following classes of licences, namely:—

- |  | Fee per year or part thereof, |
|--|-------------------------------|
| 1. Licence for the sale of Neera by retail.  | Rs 5/-                        |
| 2. Licence for the supply of Neera for sale. | Rs 5/-                        |

[Pub. in Raj. Gaz. 4 (Gaz—Dt. 2-12-65 Page 441)]

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*Rules and Notifications under*

**RAJASTHAN NOISES CONTROL ACT 1963**

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# RAJASTHAN NOISES CONTROL RULES, 1964

Notification No. F. 17(24) Home (A-Gr. I)/58.—In exercise of the powers conferred by section 9 of the Rajasthan Noises Control Act, 1963 (Rajasthan Act 12 of 1963); read with section 3 and 4 thereof, the State Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of section 9 of the said Act, namely :—

1. Short title.—These rules may be called the Rajasthan Noises Control Rules, 1964.

Definitions.—In these rules, unless the context otherwise requires,—

- (a) 'Act' means the Rajasthan Noises Control Act, 1963 (Rajasthan 12 of 1963);
- (b) 'Section' means a section of the Act.

3. Manner of giving notice under section 3.—(1) A notice given under sub-section (1) of section 3 declaring any noise to be nocturnal noise shall be proclaimed, in the area to which such declaration relates, by beat of drum or by the use of a loud-speaker ; and copies of such notice shall be affixed—

- (a) at conspicuous public places in the area,
- (b) upon Notice Board of—
  - (i) the court of District Magistrate,
  - (ii) the office of the Municipal Board or Council, as the case may be constituted for the area, and
  - (iii) the office of the officer, other than the District Magistrate, empowered to make such declaration, in case such declaration is made by him.

(2) The provisions of sub-rule (1) shall, *mutatis mutandis*, apply to a notice given under sub-section (2) of section 3, prohibiting nocturnal noise.

4. Distance prescribed under clause (a) of section 4.—For the purpose of clause (a) of section 4, the distance from different premises specified below, within which no person shall use or play a loud-speaker or a soundamplifier for broadcasting any speech sermon, music or radio-programme or attach the same to any wireless receiving set or gramophone, shall be as stated against each, namely :—

- (a) From hospital or from a building in which there is a telephone exchange      ....      ....      .... 150 meters.

- (b) From any educational institution managed, maintained, recognised or controlled by the State Government or a university established under any law for the time being in force or a local authority, during the hours of working of such institution .... 150 meters.
- (c) From any hostel maintained or recognised by the State Government or a University or a local authority when such hostel is in the use of students .... 150 meters.
- (d) From a building in which a court or Government office is held during the hours of working of such court or office — .... 150 meters.

5. Prescribed authority for the purpose of clause [b] of section 4—  
For the purpose of clause [b] of section 4, the District Magistrate and the Sub-Divisional Magistrate, having jurisdiction over the area, shall each within their respective jurisdiction be the prescribed authority.

[Pub. in Raj. Gaz. Ex.—Part IV (Ga)—Dt. 3-8-1964]

## *Notification under*

### RAJASTHAN NOISES CONTROL ACT, 1963

Home 'A' Department

Jaipur, July 26, 1967

Notification No. F. 16 (9) Home. (A-Gr. I)/66.—In exercise of the powers conferred by sub-section (4) of section 1 of the Rajasthan Noises Control Act, 1963 (Rajasthan Act 12 of 1963), the State Government hereby appoints the 15th Day of August, 1967 as the date on which the provisions of section 3 to 8 and 10 of the said Act shall come into force within the municipal limits of the following cities or towns, namely :—

1. Ladnu
2. Fatehpur.
3. Hanumangarh.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 3-8-67 Page 556]

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*Rules and Notifications under*

RAJ. NON-TRADING COMPANIES ACT, 1960  
( RAJ. ACT 18 OF 1960 ).

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# Rajasthan Non-Trading Companies Rules, 1962.

Industries 'A' Department.

No. F. 18 (2) Ind (A) 60 Dated Jaipur, the 23rd July, 1962.

## NOTIFICATION

In exercise of the power conferred by clause (1) of the proviso to section 3 of the Rajasthan Non-Trading Companies Act (Rajasthan Act 13 of 1960), read with section 642 of the Companies Act, 1956 (Central Act 1 of 1956), the State Government hereby makes the following rules, namely:—

1. *Short title.*—These rules may be called the Rajasthan Non-Trading Companies Rules, 1962.

2. *Definitions.*—In these rules, unless the context otherwise requires:—

(a) "Act" means the Companies Act, 1956 (Central Act No. 1 of 1956).

(b) "Section" means the section of the Companies Act, 1956.

(c) "Competent Officer" means the Officer appointed by the State Government to exercise, discharge and perform the powers, duties and functions of the Registrar in relation to Companies to which Rajasthan Act 13 of 1960, applies.

3. *Documents and information to be presented to the Registrar.*—(1) Any seven or more persons desirous of forming in and for the State of Rajasthan a non-trading Company under section 25 of the Act shall present to the Competent Officer along with their applications, the following documents, namely:—

(a) three printed or type-written copies of the Memorandum of Association and Articles duly signed by each subscriber to the application,

(b) three copies of the list of the names, description addresses and occupations of such subscribers and, where a firm is one of such subscribers, of each partner in the firm and of the members of the proposed Board of Directors,

(c) a statement showing in details the assets (with the estimated values thereof and the liabilities of the proposed company, as on the date of the application or within 7 days of that date;

(d) an estimate of the future annual income and expenditure of the proposed company specifying the sources of the income and the objects of the expenditure; and

(e) a statement giving a brief description of the work, if any, already done by the proposed company and of the work

proposed to be done by it after registration in pursuance of section 25.

(2) where any such company shall have been formed and might be functioning as such since before the commencement of the Act, the Company shall in addition to the documents specified in sub-rule (1) also present to the Competent Officer a copy of each of the following documents circulated by the Management thereof to its members for each of the two complete financial years immediately preceding the date of application or if the Company has functioned only for one such financial year, for such financial year:—

- (a) the Accounts;
- (b) the Balance sheets; and
- (c) the reports on the working of the company.

4. *Translation of documents.*—When any document specified in rule 3 or any portion thereof is not in English Language, a translation thereof in English certified by any subscriber or any director of the Company concerned to be correct shall be furnished to the Competent Officer together with the documents.

5. *Competent Officer to attach copy of certificate of Company to Memorandum.*—The Registrar shall cause a copy of the certificate of incorporation granted to a company under section 34 to be entered on its Memorandum and where the copy cannot conveniently be so entered, he shall cause a copy to be attached to the Memorandum, a note regarding such attachment being made on the Memorandum and signed by the Competent Officer.

6. *Examination of documents.*—(1) The competent Officer shall examine or cause to be examined, every document received in his office which is required or authorised by or under the Act or these Rules to be registered, recorded or filed by or with him.

(a) If any such document is found to be defective or incomplete in any respect, the Competent Officer shall direct the person or company concerned to rectify the defect or complete the document and no such document shall be registered, recorded or filed until the defect has been so rectified or the document has been completed, as the case may be.

7. *Documents not to be deemed registered, recorded etc. unless fee is paid.*—(1) No document required or authorised by or under the Act to be registered, recorded or filed shall be so registered, recorded or filed until the fee, if any, payable in respect thereof is paid.

(2) Until the fee aforesaid is paid, the document shall not be registered as having been sent to or received by the Competent Officer for any purpose specified in or under the Act.

8. *Endorsement of certain particular on documents.*—(1) The following particulars shall be endorsed on every document registered, recorded or filed under the Act and these Rules:—

- (i) the number assigned to the Company in the register maintained under sub-rule (1) of rule 9.
- (ii) the name of the company.
- (iii) the nature of the document.
- (iv) the serial number and date on which it is registered recorded or filed.

(2) Every endorsement made under sub-rule (1) shall be signed by the Competent Officer and shall bear his official seal.

(3) If the endorsement aforesaid cannot conveniently be entered on the document itself, it shall be made on a separate sheet which shall be attached to the document, a note regarding such attachment being made on the document and duly signed.

9. *Register of Companies*—(1) In the office of the Competent Officer, there shall be maintained a 'Register of Companies' in the Form appended to these Rules in which the names of the Companies shall be entered in the order in which they are registered.

(2) Every Company so registered shall be assigned a number consecutive order.

(3) In the pages allotted to each company, in the register, a note shall be made of every document of fact relating to the company which is registered, recorded or filed and each such note shall be duly signed and sealed.

(4) There shall also be maintained an alphabetical index of the companies which are entered in the register under sub-rule (1).

10. *Authentication of copies and certificates*—Every certificate or copy granted under the provisions of the Act shall be designed and dated by the Competent Officer and shall bear his official seal.

11. *Inspection of Documents*.—(1) Where any person wishes to inspect a document registered, recorded or filed in pursuance of the Act and these Rules shall apply to the Competent Officer for the purpose and the application shall be accompanied by the fee specified in that behalf in clause (a) of sub-section (1) of section 610.

(2) The application shall be allowed to inspect the document, only in the presence of person authorised in that behalf and only during specified office hours.

(3) The applicant shall not be permitted to make a verbatim copy of the document inspected. He may, however, take any notes in respect of the contents of the documents inspected.

12. *Documents to be kept separately for each company*.—The documents pertaining to each company shall be kept together, distinct and separate from those of other companies.

13. *Preservation of documents*.—The Register of Companies and the alphabetical index of companies shall be preserved

14. *Manner of calling meetings under sections 460, 508 and 509 and procedure thereof*.—(1) The liquidator shall call the meet-

ings referred to in sections 460, 503 and 509 by a notice published one month before the date of the proposed meeting in the Official Gazette and a newspaper having wide publicity or circulation in the district in which the registered office of the company is situated.

(2) Such notice shall specify the time and the place of the business to be transacted thereat.

(3) The meeting shall be presided over by the Liquidator.

(4) One third of the total number of members in the case of a general meeting of the company shall constitute a quorum.

15. *Applications for investigation.*—(1) Every application for investigation into the affairs of a company under section 235 of the Act shall specify;

(i) the names and addresses of the applicants;

(ii) if the company has a share capital, the voting power held by each applicant;

(iii) the total number of applicants and their total voting power;

(iv) the reasons for requiring investigation.

(2) The reasons given in pursuance of clause (iv) of sub-rule (1) shall be precise and specific.

(3) Every such application shall be accompanied by such documentary evidence in support of the statements made therein as are reasonably open to the applicant

(4) Every such application shall be signed by the applicants and dated and shall be verified by their affidavits stating that what is stated in application is true to the best of their information, knowledge, and belief.

(5) The State Government may, before passing orders on the application, require the applicant or any one or more of them, to produce such further documents or other evidence as it may consider necessary:—

(a) for the purpose of satisfying itself as to the truth of the allegation made in the application; or

(b) for ascertaining any information which, in the opinion of the State Government is necessary for the purpose of enabling it to pass orders on the application.

16. *Manner of authentication or copy of report under section 246.*—A copy of the report of any inspector or Inspectors appointed under section 235 or 237 shall, the purpose of section 246 be authenticated either—

(a) by a certificate of public Officer having the custody of the report, under and in accordance with the provisions of section 76 of the Indian Evidence Act, 1872 (1 of 1872).

17. *Fees.*—The following fee shall be payable namely:—

(1) For Registration of Non-Trading Companies Rs. 75/-

(2) For filing, registering or recording any documents other than required at the time of registration of a company, required

or authorised to be filed, registered or required under the act and these rules, or for making a record of registering any fact required or authorised to be recorded or registered under the act and these rules.

Rs. 10/-

By order of the Governor,  
A. K. ROY,  
Secretary to Government.

FORM I  
( See Rule 9 )  
Register of Companies

No.

Name of Company

1. Date of registration .....
2. Registered office.....
3. Classification and object .....
4. Public or private ....
5. If registered under section 25 reference to the Government Order granting the licence .....
6. Whether limited or unlimited, and if limited, whether by shares or by guarantee .....
7. If the company has a share capital-
  - (i) registered capital .....
  - (ii) division into shares and .....
  - (iii) amount guaranteed.....
8. If the company has no share capital-
  - (i) amount guaranteed; and.....
  - (ii) number of members .....
9. Reference to article giving power-
  - (i) to increase capital or members....
  - (ii) to reduce capital .....
10. Date of general meeting, quoting article ...
11. Reference to article permitting issue of share-warrants....
12. Number of directors fixed, quoting article .....

## REGISTER OF COMPANIES

## Documents filed

Name of Company.....

Date of registration or filing or recording or entry of minute 1	Serial number 2	Name of document or entry of minute 3	Whether Registered, filed or Recorded 4	Signature of Registrar 5
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*Notifications under*

**Rajasthan Non-Trading Companies Act, 1960**

*Published in Raj Raj-patra part, I (a) dated August 9, 1962 at page 125 :*

Industries (A) Department

**NOTIFICATION**

*Jaipur, July 23, 1962.*

*No. F. 18 (2) Ind./a/60.*—In exercise of the powers conferred by proviso (IV) to section 3 of the Rajasthan Non-Trading Companies Act, 1960 (13 of 1960), the State Government hereby appoints Shri G.S. Shukla, Joint Director of Industries, Rajasthan, Jaipur, to be the Registrar in relation to the companies to which the said Act applies.

This Deptt. order of even No. dated 20th July, 1961, is hereby cancelled.

By Order of the Governor,  
A. K. ROY,  
Secretary to the Government.

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*Rules and Notifications under*

NOTARIES ACT, 1952.  
( CENTRAL ACT No. 43 OF 1952 )

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*Notifications under*

**NOTARIES ACT, 1952.**

*Published in Rajasthan Raj-patra Dated March 14, 1957 part IV (c) at page 871*

**Law and Judicial (c) Department**

**NOTIFICATION**

**Jaipur, February 18, 1957.**

No. F. 20 (1) L. J. (c)/57:—In exercise of the power conferred by rule 4 (1) of the Notaries Rules, 1956, (Published in the Gazette of India Extraordinary, Part II, Section 3; dated the 15th February, 1956, under Ministry of Home Affairs Notification SRO-324, dated the 14th February, 1956), the State Government hereby designates the Legal Remembrancer to the Government as the Competent Authority for the State of Rajasthan for the purposes of the said Rules.

By order of the Governor,  
**PRABHU DAYAL LOIWAL.**  
Secretary to the Government.

*Notification under*

**NOTARIES ACT, 1952**

**Rajasthan High Court, Jodhpur**

**NOTIFICATION**

**Jodhpur, January 29, 1963**

**No. 4/Gen./XV-28/62/28.**—The High Court has been pleased to designate every Notary Public appointed under the Notaries Act, 1952, to be a person appointed under section 139 of the Code of Civil Procedure and section 539 of the Code of Criminal Procedure before whom affidavits and affirmation to be used before the High Court or Subordinate Courts may be sworn or affirmed.

By Order,  
**ROOP SINGH**  
Registrar

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 21-2-63-Page 973]

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*Rules and Notifications under*

OFFICIAL LANGUAGE ACT, 1956.  
( RAJ. ACT No. 47 OF 1956 )

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*Notifications under*

**OFFICIAL LANGUAGE ACT, 1952 AND 1956.**

*Published in Raj. Raj-patra Dated June 26, 1954 Vol. 5, No. 142 part I at page*

General Administration Department.

**NOTIFICATION.**

Jaipur, January 26, 1954

*No. F. 2 (151) G.A./A/51.*—In exercise of the power conferred by sub-section (3) of section 1 of the Rajasthan Official Language Act, 1952 (No. XXVII of 1952), the State Government is pleased to appoint the 26th day of January, 1954, to be the date on which the said Act shall come into force.

By Order of

His Highness the Rajpramukh,

B. G. RAO,

Chief Secretary to the Government.

*Published in Raj. Raj-patra Dated June 5, 1954 part I (b) page 146*

General Administration Department.

**NOTIFICATION**

Jaipur, April 8, 1954.

*No. F. 2 (151) G.A./A/51.*—In exercise of the powers conferred by sub-section (2) of section 2 of the Rajasthan Official Language Act 1952 (Act No. XXVII of 1952), His Highness the Rajpramukh has been pleased to order that with immediate effect the office work in the following Departments and offices of the Government should compulsorily be done in Hindi written in Devnagri Script upto the level indicated against each except where the use of English becomes very necessary:—

1. Panchayats Department upto the level of the Chief Panchayat Officer.
2. Municipalities upto the level of the Director of Local Bodies.
3. Directorate of Education upto the level of the Inspector of Schools.
4. Co-operative Department upto the level of the Registrar, Co-operative Societies, except in files dealing with the Apex Bank.
5. Devasthan Department upto the level of Commissioner, Devasthan.
6. Assembly Section of the Law Department in the Secretariat.

B. G. RAO,

Chief Secretary to the Government.

2 ]      Notifications under Official Language Act, 1952 and 1956.

*Published in Raj. Raj-patra Dated March 5, 1955 part I (b) at page 752:*

General Administration Department.

[Authorised Translation in English.]

NOTIFICATION.

Jaipur, February 5, 1955.

No. F. 2 (151) Vol. III/GA/A/51.—In accordance with Sub-Section 2 of Section 2 of the Rajasthan Official Languages Act 1952 (No. XXVII of 1952) Government is pleased to order that with effect from the 15th February, 1955, all orders regarding leave and transfer etc. of the Gazetted Officers issued by the Heads of Departments for publication in Rajpatra shall be issued in Hindi written in Devnagri Script.

KISHEN PURI,

Chief Secretary to the Government.

*Published in Raj. Raj-patra Dated May 23, 1957 part IV (c) at page 72:*

NOTIFICATION

Jaipur, May 1, 1957.

No. N. K. (1) G.A./B/56/2066.—In exercise of the powers conferred by section 3 of the Rajasthan Official Language Act, 1956 (No. 47 of 1956), the State Government is pleased to appoint the 1st day of May, 1957, to be the date on which the said Act shall come into force.

This supersedes Notification No. F. 2 (151) G.A./A. 51, dated 26th January, 1954.

By Order of the Governor,

K. N. SUBRAMANIAN,

Chief Secretary to the Government.

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*Rules and Notifications under*

INDIAN OFFICIAL SECRETS ACT, 1923.

( CENTRAL ACT No. 19 OF 1923 )

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*Notifications under*

**Indian Official Secrets Act, 1923**

*Published in Raj. Raj-patra part I (b) dated August 16, 1962 at page 67 :*

General Administration Department 'A'

**NOTIFICATION**

*Jaipur, July 28, 1962.*

No. F. 15 (6) G.A./A./Gr. II./62.—In exercise of the powers conferred by sub-clauses (c) and (d) of clause (8) of section 2 of the Indian Official Secrets Act, 1923 (19 of 1923) read with Ministry of Home Affairs Notification No. 21/36/61-POLL (I), dated the 3rd January, 1962, the State Government hereby declares the Loco Carriage Work-shop, Ajmer as a prohibited area under the said Act.

By Order of the Governor,  
R. MOOKERJEE,  
Deputy Secretary to Government.

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*Rules and Notifications under*

OFFICIAL TRUSTEES ACT, 1913.  
( CENTRAL ACT No. 2 OF 1913 )

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# THE RAJASTHAN OFFICIAL TRUSTEES RULES, 1956.

## Notes.

Section 30 of the Official Trustees Act, 1913 under which these rules have been framed reads as under:—

(1) The Government shall make rules for carrying into effect the objects of this Act and for regulating the proceedings of the Official Trustee in the discharge of his duties.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provided for—

- (a) the accounts to be kept by the Official Trustee and the audit and inspection thereof;
- (b) the safe custody, and deposit of the funds and securities which come into the hands of the Official Trustee;
- (c) the remittance of sums of money in the hands of the Official Trustee in cases in which such remittances are required;
- (d) the statements, schedules and other documents to be submitted by the Official Trustee to Government or to any other authority and the publication of such statements, schedules or other documents;
- (e) the realization of the cost of preparing any such statements, schedules or other documents;
- (f) subject to the provisions of this Act, the fees to be paid thereunder and the collection and accounting for any fees so fixed;
- (g) the manner in which and the person by whom the costs of and incidental to any audit under the provisions of this Act are to be determined and defrayed;
- (h) the manner in which summonses issued under the provisions of section 20 are to be served and the payment of the expenses of any persons summoned or examined under the provisions of this Act and of any expenditure incidental to such examination;
- (i) the acceptance by the Official Trustee of trustees for religious purposes and trusts which involve the management or carrying on of business; and
- (j) any matter in this Act directed to be prescribed.

(3) Rules made under the provisions of this section shall be published in the Official Gazette,, and shall thereupon have effect as if enacted in this Act.

English Translation

[ *Authorised by His Highness the Rajpramukh* ].

Judicial Department.

NOTIFICATION

Jaipur, April 30, 1956.

No. F. 6 (2) Jud./56.—In exercise of the power conferred by section 30 of the Official Trustees Act 1913 (II of 1913), the Government of Rajasthan is pleased to make the following rules for carrying into effect the objects of the said Act and for regulating the proceedings of the Official Trustees of the State of Rajasthan.

1. *Short title.*—These Rules may be called "The Rajasthan Official Trustees Rules, 1956."

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*These rules have been first published in Rajasthan Raj-patra dated July 28, 1956 part IV (c) at page 455.*

2. *Interpretation.*—(1) In these Rules unless there is anything repugnant in the subject or context—

- (a) "the Act" means the Official Trustees Act, 1913 (II of 1913);
- (b) "the Bank" means the Bank of Jaipur Ltd;
- (c) "Official Trustee" means the Official Trustee of the State of Rajasthan;
- (d) "State Government" means the Government of Rajasthan;

(2) Unless the context otherwise requires, the General Clauses Act, 1897 of the Central Legislature shall apply for the interpretation of these Rules as it applies for the interpretation of a Central Act.

3. *Rules under section 7, Sub section (5) of the Act.*—(1) The official Trustee shall reject any application for the acceptance of any trust for a religious purpose unless he is satisfied that such trust will not involve him in the performance, supervision or control of any religious rites, ceremonies or duties and shall not accept any such trust without the express sanction of the State Government in each case.

(2) The Official Trustee may, if he thinks fit, accept a trust which involves the management or carrying on of the business, subject to the following conditions, namely:—

- (a) that he is satisfied that the management or carrying on of the business involves no risk of loss; and
- (b) that his intervention is with a view to the sale, disposition or winding up of the business; and
- (c) that his management or carrying on of the business shall not, save with the sanction of the State Government, last longer than one year.

*Notes.*

Section 6 of the Act gives general powers and duties of Official Trustees. Sub-section (5) of section 7 provides that—

The Official Trustee shall not, save as provided by any rules made under this Act, accept any trust for a religious purpose or any trust which involves the management or carrying on of any business.

This rule gives the circumstances under which there can be a departure from the general principles laid down in sub-section (5)

4. *Rules under section 9.*—The prescribed manner of notifying the contents of a will under section 9 of the Act shall be by delivering or sending by registered post, to the Official Trustee a certified copy of the will.

*Notes*

Section 9 of the Act requires the executors on the Administration of any will, under which an Official Trustee has been appointed as a trustee, to notify in the prescribed manner the contents of such will to such official trustee. This rule prescribes these requirements.

5. *Fees under section 17.*—The fees mentioned in Schedule I to these rules shall be the fees prescribed under section 17 of the Act; provided that they may be reduced, compounded for or remitted as provided in these rules.

6. *Reduction of fees.*—If in any case it appears to the Official Trustee that the circumstances of a trust are, or probably will be, such as to render his duties in relation thereto exceptionally simple or otherwise of an exceptional character justifying this course, he may remit any part (not exceeding one-half) of any prescribed fee; but in every such case the reasons for so doing shall be recorded by him, and a report of such cases shall be submitted to the State Government in January every year.

7. *Composition of Fees.*—Where, in the opinion of the Official Trustee, the income of any trust is not liable to serious fluctuations he may, from time to time, agree with the person or persons entitled to such income to accept (in lieu of the income-fee payable in pursuance of Schedule I) a fixed half-yearly fee of such amount as shall appear to the Official Trustee approximately equal to the average income fee which, but for such agreement, would be payable in respect of such income. A report of such cases shall be submitted to the State Government in January every year.

8. *Valuation for calculating fees under section 17.*—For the purpose of calculating the fees under section 17 of the Act,—

(1) The value of any property shall be.—

(a) in the case of a testamentary trust, the net value of the estate as valued for the purpose of the Court Fees Act 1870 (VII of 1870) of the Central Legislature as adapted to Rajasthan, and

(b) in any other case of property other than cash, the price which in the opinion of the Official trustee, such property would fetch if sold in the open market. For the purpose of determining such price, the Official Trustee, shall, when necessary, consult an expert valuer.

(2) Income, where the same is derived from the carrying on of any trade or business, shall mean the gross receipts of such trade or business, after deducting any advance made and any expenses incurred by the Official Trustee for the purpose of carrying on such trade or business.

9. *Investment of Cash balances.*—The cash balance standing to the credit of a separate account which represents the interest or income of investments or other property, and which is payable by way of annuity or otherwise to the person or persons entitled thereto, or standing to the credit of any depositor in the sundry estates deposit account, although it exceeds Rs. 500/- in amount shall not be invested unless it can properly be treated as dead assets or dead funds.

10. *Time of payment.*—subject to any special arrangement made under rule 7, all fees payable under section 17 of the Act shall be paid by, or debited to, the trusts on taking possession or on realization of the property, as the case may be, and no further fees shall be charged on distribution.

11. *Method of payment of fees.*—The Official Trustees may, with the approval of the State Government, agree to any mode of payment of any fee payable to him under the Act, which shall seem to him just and reasonable.

12. *Adjustment of fees in accounts.*—The account of each trust in regard to fees payable shall be adjusted every half year on the 30th June and 31st December:

Provided that previous to the final closing of any trust the Official Trustee shall adjust his account in regard to fees charged or payable in accordance with these rules.

#### Notes.

This rules 5 to 12 are intended to put into effect the provisions of section 17 of the Act which reads as under:—

(1) There shall be charged in respect of the duties of the Official Trustee such fees, whether by way of percentage or otherwise, as the Government may prescribe:

Provided that in the case of a trust accepted by the Official Trustee before the commencement of this Act the fees prescribed under this section shall not exceed the fees leviable in respect of such trust under the Official Trustee Act, 1864, as subsequently amended.

(2) The fees under this section may be at different rates for different properties or classes of properties or for different duties, and shall, so far as may be, be arranged so as to produce an amount sufficient to discharge the salaries and all other expenses incidental to the working of this Act (including such sum as Government may determine to be required to insure the revenues of the Government [ \* \* \* ] against loss under this Act).

13. *Fees under section 22.*—The following shall be the prescribed fees for the purposes of section 22 of the Act, namely.—

(1) For copies of accounts, a fee calculated at 1 anna per folio with a minimum fee of Rs. 1.

(2) For copy of a certificate of an auditor.....Rs. 3.

(3) For information on any single point in respect of any trust in which the account is open .....Rs. 2.

(4) For information or inspection of accounts, searches regarding trusts which have been closed Rs. 4 per hour.

14. *Disposal of fees.*—All fees realised by the Official Trustee shall be credited by him in his "Commission Account Ledger" and shall be paid by him at least once a month to the account and credit of the State Government into the Treasury.

15. *Return of fees.*—The Official Trustee shall submit to the State Government at the close of each financial year as soon as possible a statement showing the fees earned and expenses incurred. The Statement shall be termed "The Financial Statement" and shall be submitted through the Accountant General who shall verify the figures.

16. *Accounts, etc.*—The Official Trustee shall maintain the accounts, statements and records specified in Schedule II to these Rules.

17. *Vouchers*.—Every payment charged in the Official Trustee's general cash account shall be supported by a voucher which shall be passed for payment under the initials of the Official Trustee.

18. *Payment to person in United Kingdom*.—All payments made to persons resident in the United Kingdom or outside India shall be made through the Official Agent to the official Trustee at the office of the High Commissioner for India by means of bills of exchange payable on demand in London. Such bills of exchange shall be obtained by the Official Trustee from the Bank, though they need not necessarily be the bills of the Bank.

19. *Payment of moneys into treasury and accounting thereof*.—(1) All moneys received by, or tendered to, the Official Trustee in respect of any trust shall, without undue delay, be paid in full into the treasury and shall be included in the public account of the State.

(2) Moneys received, or payments made, by the treasury on account of any trust shall be accounted for in a personal ledger account which shall be opened at the treasury in the name of the Official Trustee.

20. *Investment of cash balances*.—Whenever the cash balance to the credit of the general account of any trust, after providing for ascertained current demands and outgoings, amounts to or exceeds Rs. 500, it may be invested in any of the securities permitted by these rules.

21. *Audit*.—(1) The accounts of the Official Trustee shall be audited twice a year by the Auditors of the Examiner of Local Fund Accounts.

(2) The accounts of the Official Trustee in regard to trusts under administration shall be balanced every half-year, viz. on 30th June and 31st December.

(3) The said accounts shall be examined by the auditor who shall report thereon as provided in section 19(2) of the Act. The auditor shall examine the books specified in Schedule II, and shall also have access to any other book or books kept by the office, which shall be necessary for, or facilitate the examination and auditing of, the accounts of the Official Trustee.

(4) Any person, who is summoned under the Act by an auditor shall be entitled to be paid his travelling and other reasonable expenses, which, upon being certified by the auditor, shall be paid by the Official Trustee and debited to the trust concerned.

22. *Cost of audit*.—The costs of and incidental to the audit and examination of the Official Trustee's accounts shall be fixed annually by the State Government and shall be rateably distributed as soon as possible after the close of each half year among the trusts concerned according to the value of their assets ;

Provided that :—

(a) The State Government may, after considering the report of the auditor, enhance or reduce the percentage on particular estates in exceptional cases in which the audit has presented features of unusual difficulty or simplicity, and

(b) in the event of the accounts of any estate being closed before the expiration of a half-year, the Official Trustee shall, in consultation with the auditor, fix, a sum to be retained by him and debited to the trust in payment of the audit fees on that trust.

23. *Audit of accounts of Zamindaris and business.*—The Official Trustee shall cause the local account of Zamindaris or jagir lands in his charge and the accounts of any business which is carried on by him on behalf of, and which belongs to, any trust in his charge, to be audited from time to time, either by private auditors, or with the previous approval of the State Government, by the auditor prescribed under section 19 of the Act, the whole expense of such audit being debited to the trust concerned. Such auditors shall be selected by the Official Trustee unless the State Government in any such case names the auditors who are to be employed.

24. *Investments.*—The Official Trustee may invest or retain invested money belonging to any trust, in any investment authorised by the instrument creating the trust, or unless expressly forbidden by such instrument in any securities specified in section 20 of the Indian Trusts Act, 1882 (II of 1882).

#### Notes.

Rules 21 to 24 are meant to meet the requirements of sections 19, 20 and 21 of the Act.

19. (1) The accounts of the Official Trustee shall be audited at least once annually and at any other time if the Government so direct by the prescribed person and in the prescribed manner.

(2) The auditor shall examine such accounts, and shall forward to Government a statement thereof in the prescribed form, together with a report thereon and a certificate signed by him showing.

(a) whether the accounts contain a full and true account of everything which ought to be contained therein, and

(b) whether the books, which by any rules made under this Act are directed to be kept by the Official Trustee, have been duly and regularly kept, and

(c) whether the trust funds and securities have been duly kept and invested and deposited in the manner prescribed by this Act or any rules made thereunder.

or (as the case may be) that such accounts are deficient, or that the Official Trustee has failed to comply with this Act or the rules made thereunder, in such respects as may be specified in such certificate.

20. (1) Every auditor shall have the powers of a Civil Court under the Code of Civil Procedure, 1908,

(a) to summon any person whose presence he may think necessary to attend him from time to time, and

(b) to examine any person, on oath to be by him administered, and

(c) to issue a commission for the examination on interrogatories or otherwise of any person, and

(d) to summon any person to produce any document or thing, the production of which appears to be necessary for the purposes of such audit or examination.

(2) Any person who, when summoned, refuses, or without reasonable cause neglects to attend or to produce any document or thing or attends and refuses to be sworn, or to be examined shall be deemed to have committed an offence within the meaning of and punishable under, section 188 of the Indian Penal Code, and the auditor shall report every case of such refusal or neglect to Government.

21. The cost of and incidental to every such audit and examination shall be determined in accordance with rules made by the Government and shall be defrayed in the prescribed manner.

25. *Safe custody of securities.*—(1) All securities, debentures and shares coming into the possession of the Official Trustee shall, as soon as practicable be lodged in the bank for safe custody, except in any case in which it may be necessary for him to retain them temporarily for any special purpose. All such securities or shares shall as soon as practicable, be endorsed or transferred into the name of the Official Trustee and earmarked to the trust to which they respectively belong.

(2) All securities lodged under this rule may be withdrawn on requisition signed by the Official Trustee.

26. *Safe custody of valuables and documents.*—The Official Trustee shall make suitable arrangements in his office for the safe custody of cash, currency notes and other securities and other assets, such as jewels, ornaments and articles of a like nature, and also title deeds and other documents belonging to the trust. All jewels, ornaments and other articles of a like nature which are of any substantial value shall as soon as possible be listed and valued by a competent valuer to be selected by the Official Trustee. When the value of the jewels or other articles exceeds Rs. 500, the Official Trustee shall, after they have been valued, deliver them for safe custody to the Bank or to any other bank or firm approved by the State Government in this behalf; and if their value does not exceed Rs. 500, he may either deliver them to such bank or firm for safe custody or retain them in the place provided in his office.

27. *Credit of Funds transferred under section 23*—All funds transferred under the provisions of section 23 of the Act shall be paid to the account and credit of the State Government into the treasury and an intimation of such payment with particulars thereof shall be forwarded to the Accountant General, Rajasthan.

*Notes.*

Section 23 deals with transfer to Government of accumulations of money in the hands of Official Trustees. This rule prescribes the manner of such transfer.

28. *Prescribed authority under section 24.*—The Secretary to the State Government in the Judicial Department shall be the prescribed authority for the purposes of section 24 of the Act.

*Notes.*

Section 24 provides for proceeding by a claimant to recover money transferred under section 23 of the Act. The claimant shall be entitled to the money if he establishes his claim to the satisfaction of the Prescribed Authority. This rule names the Prescribed Authority under section 24 of the Act.

29. *Destruction of papers.*—The Official Trustee may, after closing the accounts of any trust in his hands destroy and private papers, bills, receipts, memorandum and other similar documents of no value which he has received along with the trust and which are not claimed by the beneficiaries or any other persons entitled thereto or interested therein.

30. *Management of Zamindaris.*—In order to secure efficient and economic management of Zamindaris or Jagir lands being trust properties under the charge of the Official Trustee, the costs of the management of which are debitable to trust under the provisions of section 18 of the Act, it shall be open to the Official Trustee to employ a general manager and such assistants as may be necessary for the management thereof instead of employing separate manager and assistants in the case of each trust. The salaries of the manager and assistants and other expenditure of the Zamindari Department, which is not incurred specifically on account of any particular trust concerned shall be rateably divided amongst all the trusts concerned in proportion to the amount of the annual collections of the various Zamindars, taking also into account the nature and the amount of work involved in the management thereof. Each trust shall, however be debited with any particular expenditure solely and exclusively incurred on its account. The general expenditure shall be so regulated that in no case shall any trust be debited with a larger sum than it would ordinarily cost to manage it, were the property belonging to it placed under the management of its own separate staff.

31. The Official Trustee shall in January every year submit to the State Government a report in the form in Schedule III to these Rules.

## SCHEDULE I

(See Rule 5)

### PART I

#### Capital Fees

(a) In respect of the duties of the Official Trustee where he has been appointed a trustee under section 8,9,10,11 and 12 of the Act, a fee of 5 percent on the gross value of the trust property or fund, with a minimum of Rs. 20.

(b) In respect of the duties of the Official Trustee where he has been appointed a Trustee, under section 27 of the Administrator General's Act, 1913, the fees payable in those cases where the official Trustee is not also the administrator-General of the same State shall be those specified under head (a) of the schedule.

(c) In respect of the duties of the Official Trustee where he has been expressly appointed Executor and Trustee as provided by sub-section (6) of section 7 of the Act, the Official Trustee shall not be entitled to any remuneration or fees in his capacity as Executor and shall only be entitled to capital fees as trustee in accordance with the scale provided by this Schedule under head (a).

## PART II

## Investment Fees

(d) In respect of the duties of the Official Trustee in all cases of which he is the Trustee on all capital moneys or Trust funds invested by him including the purchase or sale of immovable property or any investment by way of mortgage a fee of  $\frac{1}{2}$  percent on the amount of the investment or the value of any property purchased or sold, such fee being realised from the income of the beneficiary requiring a change of investment and not from the gross value of trust.

## PART III

## Income Fees

(e) In respect of the duties of the Official Trustee acting in any capacities mentioned in Part I above in those cases where no fee is fixed and agreed to—on realisation of income whether arising out of movable or immovable property, a fee of 5 percent on all moneys as and when received.

## SCHEDULE II

(See Rule 16)

## I—Cash Book.

This book shall contain full particulars of all daily transactions whether in cash or otherwise and shall be balanced at the close of each day and checked and signed by the Official Trustee.

## II—Ledgers.

(a) *General Trust Accounts Ledger*.—Separate ledger accounts shall be kept in respect of each trust including separate subsidiary accounts, and each such account shall contain full and detailed particulars of all transactions and the same shall be posted up daily.

(b) *Commission Account Ledger*.—This ledger shall contain particulars of all fees and commission earned by, and paid to, the Official Trustee.

(c) *Security Ledger*.—This ledger shall contain particulars of all securities of whatsoever nature received or purchased by the official Trustee on account of each trust and his dealings therewith.

(d) *Sundry Estates Deposits Account Ledger*.—This ledger shall contain particulars of all amounts deposited with the Official Trustee whether by tenants or employees and a separate deposit account shall be kept in the name of each depositor.

(e) *Miscellaneous Ledger*.—This ledger shall contain entries relating to the following accounts.—

(i) *Petty receipts of closed trust Accounts*.—containing entries of all sums transferred from general trusts to this account and payments made thereout;

(ii) *House Property Department Account*.—containing entries of all sums credited to this account from estates and payments made thereout;

- (iii) *Filing Fee Account*.—containing entries of all sums transferred from the general trust accounts and payments made thereout;
- (iv) *Income-tax Account*.—containing entries of all sums deducted on account of income-tax from any source whatsoever and of amounts paid over to the income-tax collector;
- (v) *Registration Fee and Postage Account*.—containing entries of all sums received on account of such fees and postage and sums paid thereout.

*Note*.—All ledgers must be posted up daily, and closed halfyearly on the 30th June and 31st December, and the balances, if any carried forward to a new account.

### III—Receipt Book.

This book shall contain in a yearly consecutive series particulars of all sums of money, other than house rent received by the Official Trustee in cash or by cheques or drafts or in the form of securities or shares. All entries in this book shall be initialled by the Official Trustee, and in the case of cheques or drafts the date of realisation and sum realised should be filled up in due course.

### IV—Registers.

#### (i) ACCOUNTS REGISTERS.

(a) *Distribution Register*.—Entries in this book shall indicate the manner in which a trust has been wound up, and particulars of accounts rendered.

(b) *Advance Register*.—This book shall contain particulars of all advances made by the Official trustee and how same have been adjusted.

(c) *Currency-note Register*.—This book shall contain numbers and particulars of all Government currency-notes of the value of Rs. 500 and upwards which pass through the office of the Official Trustee.

(d) *Estates transferred to Government Register*.—This book shall contain particulars of moneys transferred to the credit of the State Government under the provisions of section 23 of the Act, and the dates of such transfers.

(e) *Remittance Register*.—This book shall contain particulars of all remittances made to the India Office on account of trusts and the dates on which discharges have been obtained from the parties concerned.

#### (ii) SECURITY REGISTERS.

(a) *Security Deposit Register*.—This book shall contain full particulars of securities of whatsoever nature deposited in the bank for safe custody.

(b) *Security withdrawal Register*.—This book shall contain full particulars of all securities of whatsoever nature withdrawn from the bank.

(a) *Security Splitting Register*.—This book shall contain full particulars of all securities sent to the Bank for purposes of splitting, renewal, etc. and also particulars of other securities sent for subdivision or otherwise to any company.

(d) *Security Enfacing Register*.—This book shall contain full particulars of all securities sent to the Bank for purposes of being enfaced for payment of interest.

#### V--Trust Register.

This book shall be in the nature of a General Index to the other books kept in the department and shall contain the names of all trusts dealt with under consecutive serial numbers, date of each order of Court or deed, or other instrument appointing the Official Trustee, and reference to the ledger account and security ledger and names of persons entitled to the income.

#### VI—Register of House Rent Bills.

This book shall contain *inter-alia* the following information.—

Name of trust, particulars of property, name of tenant, particulars as to lease and rent payable, serial number of rent bills, date of realisation and amount of arrears carried forward as the end of each month. The entries in this book as to the issue of rent bills and date of realisation thereof shall be initialled.

It shall be optional with the Official Trustee to keep a separate register for any particular trust or estate.

#### VII—Register of Tax Bills.

This register shall contain entries relating to all tax realisable from tenants, and the procedure to be adopted regarding entries in this book shall be the same as prescribed in the case of House Rent Register.

#### VIII—Zamindari Accounts.

The account of any Zamindari appertaining to estate and all books, accounts and documents kept in connection therewith shall be as far as possible in the forms prescribed for the time being, and in use by the Court of Wards.

#### IX—Register of Mortgages.

This book shall contain the following information:—

- (a) Name of trust.
- (b) Amount advanced on mortgage.
- (c) Date of advance.
- (d) Rate of interest.
- (e) When interest payable.
- (f) Date of repayment.
- (g) (Remark column in which shall be inserted any) remarks  
Relating to action taken, if any.

#### X—Audit Account.

This book shall contain the following information:—

- (a) Name of trust.
- (b) Amount retained or debited.
- (c) Date of debit.
- (d) Date of transfer to Government.

## SCHEDULE III

(See Rule 31)

## FORM A.

All trusts whereof the final balances have been paid by the Official Trustee, State of Rajasthan, to the persons entitled to the same or to a new trustee, specifying the amount of such balance and the persons to whom paid prepared from .....to.....19

Trust.	Date of appointment.	Payments.			Cash	Parties to whom paid.
		Date of payment transfer.	Government securities.	Bank or other stock, as well as bonds or other securities not being Government securities.		
			Rs.		Rs. a. p.	



# The Rajasthan Opium (Sale of Lanced Poppy Heads) Rules, 1956.

## Notes

Section 13 of the Opium Act, 1878 authorises the State Government to make rules consistent with the Act for regulating the rewards to be paid to Officers and Informers. The rules prescribe the procedure for this purpose.

These rules were originally framed vide Notification No. F. 49 (10)-S.R./51 dated 18/10/51, published in Rajasthan Rajpatra, part IV (c) dated 10/11/51 and were subsequently amended vide amending Notification No. F. 49 (10) S.R./51 dated 7/5/56. The present rules supersede these rules.

Jaipur, November 16, 1956.

*No. F. 14 (84) E&T/56-11.*—In exercise of the powers conferred by section 5 of the Opium Act, 1878 (Central Act I of 1878) and in supersession of existing rules on the subject in force in the Ajmer area, the Abu area, the Sunel area and the area of the pre-Reorganisation State of Rajasthan, the State Government hereby makes the following rules, namely :—

## Notes

These rules have been framed in exercise of the powers conferred by section 5 of the Opium Act, 1878. The rules are meant to permit sale of lanced poppy heads under Circumstances specified in the Rules. Section 5 of the Act provides that:—

The State Government, may, from time to time, by notification in the official *Gazette*, make rules, consistent with this Act, to permit absolutely, or subject to the payment of duty or to any other conditions, and to regulate, within the whole or any specified part of the territories administered by such Government all or any of the following matters :—

- (a) the possession of opium ;
- (b) the transport of opium ;
- (c) the importation or exportation of opium ; and
- (d) the sale of opium, and the form of duties leviable on the sale of opium by retail :

Provided that no duty shall be levied under any such rule on any opium imported and on which a duty is imposed by or under the law relating to seacustoms for the time being in force or under the Dangerous Drugs Act, 1930.

Previous rules on the subject published in Rajasthan Rajpatra dated 26/3/55 together with subsequent amendments thereto are, by virtue of these rules, no longer in force.

1. *Short title and commencement.*—These rules may be called the Rajasthan Opium (Sale of Lanced Poppy Heads) Rules, 1956 and shall come into force on the date of their publication in the Rajasthan Gazette.

2. *Definitions.*—In these rules, unless the context otherwise requires:—

(a) "Excise Commissioner" means the Excise Commissioner for Rajasthan;

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*These rules have been first published in Rajasthan Raj-patra dated Nov. 16, 1956 part IV (c) at page 279.*

2 ] **Rajasthan Opium (Sale of Lanced Poppy Heads) Rules, 1956.**

(b) "Lanced poppy-heads" means poppy-heads from which the juice of opium has been extracted; and

(c) "poppy-heads" means the capsules of poppy (*Papaver Samniferum*).

3. *Restrictions on the sale of lanced poppy-heads.*—Subject to the provisions of rule 6 of these rules, sale of lanced poppy-heads, whether wholesale or retail, shall be made only by persons who have been licensed to do so by the Excise Commissioner or an Officer of the Excise Department of the Government of Rajasthan authorised by him in this behalf. Such sales shall be effected strictly in accordance with the tenor of such license.

(3A) Maximum quantity that can be sold wholesale or retail. It shall be a condition of every licence granted under rule 3 that the licensee shall not sell at a time lanced poppy heads in a quantity exceeding :—

(a) 10 seers, if the licensee is a wholesale dealer or the sale is to another licensee.

(b) 2½ seers, if the licensee is a retailer.

*Notes*

The rule 3A has been newly added vide amending notification No. F. 1. (18)E and T/57 dated 7/1/58, published in Rajasthan Rajpatra part IV (c) dated 30/1/58.

4. A licence under rule 3 shall, if issued, be issued for a year commencing on the 1st April. A fee of Rs. 50/- and Rs. 20/- per annum for the wholesale and retailsale licence respectively shall be paid by a licensee before a licence is issued. A licence may, subject to the provision of rule 5 be renewed annually on a payment of the above fee for each such renewal.

*Notes*

The present rule 4 Stands Substituted in place of the old one vide amending Notification No. F. I (23) E & T./58/4 dated 1/4/58 published in Rajasthan Rajpatra, part IV (c) dated 12/6/58.

5. *Refusal of license and concellation.*—(1) The grant or renewal of a license referred to under rule 3 may, their giving the applicant a reasonable opportunity of being heard, be refused if the Officer authorised to issue or renew it is satisfied that the applicant for license is—

(a) below 18 years of age, or

(b) is not a person of good character, or

(c) has been guilty of a breach of any of these rules or any law relating to opium for the time being in force.

(2) The grant or renewal of such license shall not be refused on any other ground.

(3) A license already granted may be cancelled on any of the grounds mentioned in clauses (a), (b) and (c) of sub-rule (1), after giving the licensee reasonable opportunity of showing cause why it should not be cancelled.

6. *Exemption for producers.*—Notwithstanding anything in these rules, producers of poppy-heads may sell them without a license to—

(a) any person having a license referred to rule 3, or

(b) any person who has obtained a special permit for the purchase of lanced poppy-heads for purposes of manure. Such permits shall be issued, without any fee, by the Excise Commissioner or an Officer authorised by him in this behalf. Supply of poppy-heads to such permit holders shall be strictly in accordance with their permits.

7. *Prohibition against sale otherwise than under rules.*—Sale of lanced poppy-heads, except as permitted by these rules, as prohibited.

## RAJASTHAN OPIUM ( Rewards to Informers and Officers ) RULES, 1956.

Jaipur, November 16, 1956.

No. F. 14 (84) E&T/56.12.—In exercise of the powers conferred by clause (b) of section 13 of the Opium Act, 1878 (Central Act 1 of 1878), and the supersession of existing rules on the subject in force in the Ajmer area, the Abu area, the Sunel area and the area of the pre-Reorganisation State of Rajasthan the State Government hereby makes the following rules to regulate the payment of rewards to informers and officers.

Rewards for information regarding offences under the Opium Act or rules framed thereunder may be granted to informer and officers subject to the following provisions:—

(1) The Commissioner of Excise & Taxation may sanction the grant of a reward without restriction of amount.

(2) The Deputy Commissioners and Assistant Commissioners of Excise and Taxation may grant on their own authority rewards not exceeding in any one case one thousand rupees and two hundred and fifty rupees, respectively;

(3) Rewards should not exceed twenty rupees for each seer of opium which is the subject matter of the offence;

(4) The following officers of the Government of Rajasthan are eligible for receiving rewards:—

- (a) all officers of the Excise Department of or below the rank Excise Inspector;
- (b) all Police officers of or below the rank of Inspector;
- (c) all officers concerned with land revenue of or below the rank of Tehsildar;
- (d) all employees of other departments of or below the rank corresponding to that of an Excise Inspector.

5 (a). An interim reward of 25% may be granted to the informer :

Provided that seized opium weighs more than 5 tolas and is proved to be opium by the chemical analyst and the seizure is made in consequence of his information, and

(b) the balance of the reward will be given when the case is finally decided by the court and the seized opium is confiscated to the Government.

*Notes.*

Rule (5), as at present, has been substituted for the previous one, reading as under, vide Finance (Revenue and Economic Affairs) Department (Revenue Section) Notification No. F. 1 (4) E&T/62 dated November 3, 1962 published in Rajasthan Rajpatra, part iv (c) dated December 6, 1962:—

(5) No reward should be granted unless the confiscated opium has become the property of Government and the authority deciding the case has held that the confiscation has been the result of the information given an informer.

By Order of the Governor,  
G. S. PUROHIT,  
Secretary to the Government.

# THE RAJASTHAN OPIUM RULES, 1956.

## *Notes.*

Section 5 of the Opium Act, 1878 authorises the State Government to make rules for regulating the possession, transport, export and sale of opium. Section 5 of the Act reads as under :—

The State Government, may, from time to time, by notification in the official Gazette, make rules consistent with this Act, to permit absolutely, or subject to the payment of duty or to any other conditions, and to regulate, within the whole or any specified part of the territories administered by such Government all or any of the following matters :—

- (a) the possession of opium;
- (b) the transport of opium ;
- (c) the importation or exportation of opium ; and
- (d) the sale of opium, and the form of duties leviable on the sale of opium by retail :

Provided that no duty shall be levied under any such rule on any opium imported and on which a duty is imposed by or under the law relating to seacustoms for the time being in force or under the Dangerous Drugs Act, 1930.

These rules have been framed in exercise of the powers conferred by this Section.

The previous rules on the subject published vide Seperate Revenue Department Notification No. F. 49 (17) S.R./51 dated 23-7-53 in Rajasthan Rajpatra, part IV (B) dated 1-8-53 have been superseded by virtue of these rules.

Jaipur, November 16, 1956.

*No. F. 14 (84) E & T/56-8.*—In exercise of the powers conferred by section 5 of the Opium Act, 1878, (Central Act I of 1878) and in supersession of existing rules on the subject in force in the Ajmer area, the Abu area, the Sunel area and the area of the pre-Reorganisation State of Rajasthan, the State Government hereby makes the following rules to regulate the possession, transport, import, export and sale of opium in Rajasthan, namely :—

(1) Any person may, without a license or permit, have in his possession at any time opium not exceeding two tolas in quantity, provided such opium has been bought from a vendor licensed under these rules and the transaction for sale under which it was bought is strictly in accordance with the provisions of these rules.

## *Notes.*

The present sub-rule stands in the amended form in accordance with the amendment notification No. F. 1 (48)/E and T/57 dated 19-10-57, published in Rajasthan Rajpatra, part IV (C) dated 7-11-57.

The old rule is reproduced below :—

Any person may, without a licence or permit have in his possession at any time, opium to the extent of two tolas in quantity.

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*These rules have been first published in Rajasthan Raj-patra dated November 6, 1956. part IV (c) at page 277:.*

(2) A person engaged in medical, Ayurvedic, Unani, Tibbi or Veterinary Practice and approved by the Excise Commissioner, Rajasthan may, without a licence or permit, have in his possession at any one time for use in the exercise of his profession opium to the extent of five tolas in quantity.

(3) Nothing in the foregoing sub rules shall apply,—

- (i) to the possession of opium in quantities exceeding the limits specified therein under and in accordance with a permit granted by the Assistant Excise Commissioner, or,
- (ii) to a person coming from a State in India outside Rajasthan for a short and temporary stay therein who may bring with him opium lawfully obtained from that State upto a limit of half a tola for his own private consumption.

(4) A licensed opium vendor may subject to the conditions of his licence possess any quantity of opium purchased by him or under his authority from the State Government or with the written consent of the Excise Commissioner from any other licensed vendor.

2. *Transport of Opium.*—(1) No opium exceeding the quantity prescribed for private possession by rule 1, shall be transported :—

- (i) by a licensed opium vendor subject to the conditions of a licence, except under a pass by the Warehouse-in-charge, and,
- (ii) by any other person except under a pass issued by an Assistant Commissioner having jurisdiction in the place where such opium is purchased.

(2) Every pass issued under sub-rule (1) shall accompany the consignment and shall be retained at the place to which the consignment is taken.

3. *Import of Opium.*—Save as provided in Clause (ii) of sub-rule (3) of rule I no person shall import opium except for and under the authority of the State Government.

4. *Export of Opium.*—The export of opium is prohibited except on behalf of the State Government or with the special permission of the Excise Commissioner.

5. *Sale of Opium.*—(1) No person shall sell opium :—

- (i) except under and in accordance with the terms and conditions of a valid and subsisting licence granted by the Excise Commissioner in the prescribed form for the prescribed period on payment of a prescribed fee.
- (ii) Elsewhere than on the premises specified from time to time in such licence;
- (iii) Otherwise than in accordance with the provision of rule 1; and

(iv) Unless all duties and fees for the time being leviable in respect of such opium have been duly paid.

(2) Nothing in sub-rule (1) shall apply to the sale of opium for medicinal purposes by a practitioner referred to in sub-rule (2) of rule 1 in the course of dispensing medicines or giving treatment to his patients.

“ Notes.

The provisions for licence are contained in the Rajasthan Opium ( Sale of Lanced Poppy Heads ) Rules, 1956.

6. *Exemptions.*—(1) Servants of the State Government when acting on behalf of the State Government are exempted from provisions of these rules.

(2) Such Hospitals, Aushadhalayas, Dawakhana, Dispensaries Veterinary Hospitals and dispensaries and other institutions as the Excise Commissioner may authorise are exempted from the provisions of rules 1 and 5 in so far as opium is kept and sold therein for purely medicinal purposes and in medicines.

# THE RAJASTHAN OPIUM ( Disposal of Confiscated Things ) RULES, 1958.

Excise and Taxation Department

NOTIFICATION

Jaipur, June 25, 1958.

No. F. 29 (35) ET/55.—In exercise of the powers conferred by clause (a) of section 13 of the Opium Act, 1878 (Central Act 1 of 1878) and in supersession of existing rules on the subject issued under Notification No. F. 14 (34) E & T/56-9 dated the 16th November, 1956, published in Rajasthan Gazette of 16th November 1956 Part IV (c) at page 278 the State Government hereby makes the following rules regarding disposal of things confiscated under the said Act, namely:—

## RULES

1. *Title.*—These Rules may be called the [Rajasthan] Opium (Disposal of Confiscated Things) Rules, 1958.

### *Notes.*

Section 13 of the Opium Act, 1878 authorises a State Government to make rules consistent with the Act or regulating the disposal of all things confiscated under the Act. Sec. 12 which makes provisions for an order of confiscation reads as under:—

When the offender is convicted, or when person the charged with an offence in respect of any opium is acquitted, but the Magistrate decides that the opium is liable to confiscation. such confiscation may be ordered by the Magistrate.

Whenever confiscation is authorized by this Act, the officer ordering it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the officer thinks fit.

When an offence against this Act has been committed, but the offender is not known or cannot be found, or when opium not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by the Collector of the district or Deputy Commissioner, or by any other officer authorized by the State Government in this behalf, either personally or in right of his office, who may order such confiscation;

Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or with-

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*These rules have been first published in Rajasthan Raj-patra dated August 7, 1958 part IV (c) at page 754.*

out hearing the persons (if any) claiming any right thereto, and the evidence (if any) which they produce in support of their claims.

The rules prescribe the procedure in this regard.

The previous rules on the subject have been superseded. The rules under section 13 (a) were originally framed and issued vide notification No. F 49 (10) S R./51 dated 7/5/56, published in Rajasthan Rajpatra, part IV (c) dated 2/6/56. These rules were superseded by new rules of 16/11/56 which have now been superseded by the present rules.

Word "Rajasthan" appearing in brackets has been inserted in rule 1 vide Excise and Taxation Department amending Notification No. D. 2283/59. 5. 29 (35) E.T/55 dated June 1, 1959, published in Rajasthan Rajpatra, part iv (c) dated July 16, 1959.

2. *Definition.*—In these rules—

(a) "Act" means the Opium Act 1878 (Central Act I of 1878).

(b) "Assistant Excise Commissioner" and "Excise Commissioner" mean respectively the officers of that designation in the State.

(c) "Pound (avoirdupois)" means a weight of seven thousand grains or 0.453 Kilograms.

(d) "Seer" means a weight of eighty tolas or 0.933 Kilograms.

*Notes.*

Clauses (c) and (d) have been added vide Notification No. D F. 29 (35) ET/55 dated March 24, 1960, published in Rajasthan Rajpatra, part iv (c) dated July 14, 1960.

3. *Things confiscated to be sent to the Assistant Commissioner Excise.*—All things confiscated under the Act shall be made over to the Assistant Commissioner Excise, concerned for disposal.

4. *Disposal by the Assistant Commissioner Excise.*—(a) All confiscated opium received in virtue of the preceding rule, shall be kept under the charge of the Assistant Commissioner, Excise, concerned in separate containers on which case number, source of supply and net weight shall be entered. He shall forward [opium except lanced Poppy Heads] on 1st June and 1st December every year to the Manager. [Government Opium and Alkaloid works] Gazipur, for disposal according to the instructions for the time being in force and intimate about the same to the Deputy Commissioner Excise of the Division.

(b) As soon as confiscated opium [except Lanced Poppy Heads] is received by the Assistant Commissioner, Excise, a sample of 4 lb. in each of the following cases shall be drawn by him, namely:—

- (i) All seizures exceeding 15 seers relating to illicit imports or exports which present any doubt or difficulty in determining their origin;
- (ii) All seizures exceeding 15 seers suspected to relate to cases of international character; and
- (iii) all seizures of opium of non-Indian origin or which present any doubt or difficulty in determining their origin.

(c) The samples so drawn shall be sent to [with relevant information] the Chemical Examiner of the State who shall send three lb. of the sample along with full report [indicating the date and the place of seizure, the quantity of Opium seized, complete and precise information of the circumstances in which the seizure was made] the test carried out by him and the conclusions drawn therefrom to the Chief Chemist, Central Revenues Control Laboratory, New Delhi, for carrying out further tests and for disposal of the sample according to the instructions for the time being in force. The Chemical examiner of the State shall also send a copy of his report to the Narcotics Commissioner, Government of India, [19-Mall, Morar, Gwalior] and also to the Excise Commissioner.

*Notes.*

Words "Opium except Lanced Poppy Heads" and "Government Opium and Alkaloid works" appearing in brackets and words "except Lanced Poppy Heads" appearing in brackets in clause (b) have been inserted vide the same notification dated June 1, 1959 referred above,

2B ] **The Rajasthan Opium (Disposal of Confiscated Things) Rules, 1958**

Present sub-Clause (iii) of clause (b) of rule 4 has been substituted for the previous one vide Notification No. F. 29 (35) E&T/55 dated September 12, 1962, published in Rajasthan Raj-patra, part iv (c) dated October 4, 1962.

Words "with relevant information" and the words "indicating the date ..... was made" appearing in brackets in clause (c) have been inserted vide the same amending notification dated September 12, 1962 referred above and likewise the previously occurring word "of" appearing between the words "sent" and "to the Chemical Examiner" has been omitted.

Present words "19-Mall, Morar, Gwalior" appearing in brackets in clause (c) have been substituted for the previous words and figures "Simla-4" vide the same notification dated September 12, 1962.

5. *Sale of the confiscated articles.*—All confiscated articles other than opium [except lanced Poppy Heads] shall unless otherwise directed by the Excise Commissioner in any particular case, be put to auction and sold to the highest bidder [who shall be a licensee in case of lanced poppy heads] and the sale proceeds be credited to the Government as Excise Revenue; but if there is no bid, the articles [including Lanced Poppy Heads] shall be destroyed.

*Notes.*

Words "except Lanced Poppy Heads", "who shall be a licensee in case of laced poppy heads" and "including Lanced Poppy Heads" appearing in brackets in rule 5 have been inserted vide the same notification dated June 1, 1959 referred above.

6. *Destruction of a confiscated article.*—Whenever any confiscated articles has to be destroyed in conformity with these rules it shall be destroyed in presence of the Assistant Commissioner Excise, himself.

7. *No disposal during the period of an appeal.*—The sale or other disposal of confiscated articles under these rules shall be deferred till the period of appeal against the order of confiscation has expired, or if an appeal is preferred against such order, till the appeal has been finally disposed of; Provided that—

(a) In the case of any confiscated animal, the sale shall not be so deferred unless the owner thereof deposits with the Assistant Commissioner Excise, such sum as that officer deems to be sufficient for the keeping of such animal till the end of the period required for preferring an appeal or till the disposal of such appeal, as the case may be.

(b) If the thing confiscated be liable to speedy and natural decay, or if the disposal thereof would be for the benefit of the owner it may be sold immediately and if the sale of such things is not advantageous to the owner, the Assistant Commissioner, Excise, may direct it to be destroyed after obtaining approval of the Deputy Commissioner Excise.

8. *Reversing of an order of confiscation.*—If an order of confiscation is reserved on appeal, such opium or thing or the sale proceeds thereof and the balance of the amount if any deposited for keeping or safe custody thereof, after deduction of the expenditure incurred in its maintenance, shall be returned to the owner thereof or his duly authorised agent. If no one appears within two months from the date of order in appeal, to claim such opium or things or the sale proceeds thereof, the same shall be disposed of in such manner as the Deputy Commissioner Excise, directs.

9. *Disposal of opium when the offender is not known.*—Opium in respect of which an offence has been committed under the Act and the offender is not known or cannot be found and opium which is found unclaimed on Railway and in the Post shall be forwarded to the Assistant Commissioner, Excise to be dealt with under the aforesaid rules.

By Order of the Governor,  
G. S. PUROHIT,  
Secretary to the Government.

## OPIUM (DISPOSAL OF CONFISCATED THINGS) RULES, 1958

Notification No. F. 1 (76)ET./62—In exercise of the powers conferred by clause (a) of section 13 of the Opium Act, 1878, (Central Act I of 1878), the State Government hereby makes the following amendment in the Opium (Disposal of Confiscated Things) Rules, 1958, published in the Rajasthan Gazette, Part IV (C), dated August 7, 1958, namely.—

### AMENDMENT

After existing rule 5 of the said rules, the following new rule shall be added namely:—

“5A. The Railway Administration who finds any unclaimed parcel or package containing or suspected to contain opium shall immediately inform the nearest Station House Officer and Assistant Excise Commissioner. The Station House Officer shall, on receiving such information try to trace the offender in respect of such parcel or package. If the offender is traced the Station House Officer will take necessary action against the accused according to law. If the offender is not traced, the Station House Officer will report the matter to the Railway Administration and Assistant Excise Commissioner concerned. On receiving such report the Railway Administration shall hand over the articles to the Assistant Excise Commissioner who shall dispose of the articles according to rules.

The sale proceeds of the articles so disposed of shall be distributed in the following manners:—

(a) The claim of the State Government in respect of Excise duty shall be the first charge.

(b) The claim of Railways in respect of freight shall be the second charge.

(c) The claim of the State Government on account of the incidental expenses shall be third charge.

(d) The claim of Railway in respect of warefare and demurrage shall be the fourth charge.

(e) The balance if any shall be credited to the State Revenue.”

[ Rajasthan Gazette Part IV (Ga) dated 22-8-1963 Page 176. Finance (Rev. & Ecs. Affairs) Department ]

# Rajasthan Opium Rules, 1959.

Excise and Taxation Department

## NOTIFICATION

Jaipur, March 10, 1959.

No. F. 1 (4) E. & T./59.—In exercise of the powers conferred by section 5 of the Opium Act, 1878 (Central Act I of 1878) and in supersession of the existing rules on the subject published in the Rajasthan Rajpatra dated the 16th November, 1956, the State Government hereby makes the following rules to regulate the possession, transport, import, export, and sale of Opium in the State of Rajasthan, namely:—

1. (i) These rules may be called the Rajasthan Opium Rules, 1959.

(ii) They shall extend to the whole of the State of Rajasthan and shall come into force on the 1st April, 1959.

### Notes.

The State Government has made these rules in exercise of the powers conferred under section 5 of the Opium Act 1878 (Central Act I of 1878). Section 5 of the Act authorises the State Government to make rules for regulating the following matters:—

- (a) the possession of opium;
- (b) the transport of opium;
- (c) the importation or exportation of opium; and
- (d) the sale of opium, and the form of duties leviable on the sale of opium by retail :

The possession, transport, import, export or sale of opium can be permitted either absolutely or subject to the payment of duty or to any other conditions. The proviso to section 5 of the Act, however, requires that, "no duty shall be levied under any such rule on any opium imported and on which a duty is imposed by or under the law relating to sea-customs for the time being in force or under the Dangerous Drugs Act, 1930."

The Government of Rajasthan originally framed rules on the subject Notification No. F. 14 (84) E & T/56-8 dated 16/11/56, published in Rajasthan Rajpatra, Part iv (c), dated 16/11/56. Those rules have been incorporated in the Rajasthan Rules Compendium Volume VI.

The rules of 1956 however, stand repealed by the present rules.

These rules have been framed for matters referred to in clauses (a), (b), (c) and (d) of section 5 of the Act in respect of opium as defined in Rule 2 (i) (k).

Present Rules have subsequently been amended vide amending notification No. 3098/59/F. 1 (4) E T/59, dated 24/12/59, published in Rajasthan Rajpatra, Part iv (c) dated 12/2/60 page 1205-1207. All such amendments have been incorporated in the body of rules and the notification of the same has been reproduced separately for the sake of ready reference.

2 (i) In these rules, unless there is anything repugnant in the subject or context:—

(a) "Act" means the Opium Act, 1878 (Central Act I of 1878);

(b) "approved medical practitioner" means:—

## Rajasthan Opium Rules, 1959

- (i) any graduate in medicine or surgery of a recognised University in India, Europe, British Dominions or America;
- (ii) any person registered as a medical practitioner under the Medical Act, 1858, or any Act amending the same, or the Rajasthan Medical Act (Act XIII of 1952) or under any corresponding law for the time being in force in any part of India;
- (iii) any person who possesses qualifications not inferior to that of any licentiate in Medical and Surgery from a recognised medical institution;
- (iv) any other person engaged in medical Ayurvedic, Yunnani, Tibbi or veterinary practice and approved by the Commissioner.

- (c) "authorised officer" means an officer duly authorised to act under these rules;
- (d) "Asstt. Commissioner" means the Assistant Commissioner of Excise and Taxation of the area;
- (e) "Dy. Commissioner" means the Deputy Commissioner of Excise and Taxation of the area;
- (f) "Commissioner" means the Commissioner of Excise and Taxation, Rajasthan;
- (g) "Form" means a form appended to these rules;
- (h) "licence" means a license granted under these rules;
- (i) "medical Officer" means a Medical Officer In-charge of a Government Hospital or a dispensary of the area, not below the rank of an officer of C.A.S. Class II, and includes any other officer not below such rank posted in such Hospital or Dispensary, if there are more than one officers;
- (j) "Medical Board" means a Board or Boards constituted by Government for the medical examination of Opium addicts appealing for the restoration of or increase in the Opium quota against the recommendations of the Medical Officer in this behalf;

(k) *Opium for the purposes of these rules means:—*

(a) the capsules of the Poppy (*Papaver Somni Ferum L*) whether in their original form or cut, crushed or powdered and whether or not juice has been extracted therefrom;

(b) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport; and

(c) any mixture with or without neutral materials, of any of the above form of Opium.

but does not include any preparations containing not more than 0.2% of morphine, or a manufactured drug as defined in section 2 of the Dangerous Drugs Act, 1930.

Notes.

The above definition of opium stands as substituted by Excise and Taxation department amending Notification No. D. 274/59/F. 1 (4) E T/59 dated september 5, 1959 published in Rajasthan Raj-patra, part iv (c) dated 15/10/59. The previous definition of 'opium' was as under:—

(k) "Opium" for the purposes of these rules means the spontaneously coagulated juice of poppy (papaver Sowniform L) which has not been submitted to any manipulations other than those necessary for packing and transport;

(l) "pass" means a pass granted under these rules;

(m) "permit" means a permit granted under these rules;

(n) "Registered Medical Practitioner" means:—

(i) A Medical Practitioner registered under the Rajasthan Medical Act, 1952.

(ii) An approved medical practitioner as defined in these rules.

(o) "Excise Officer" means an officer of the Excise Department as defined in the Rajasthan Excise Act, 1950.

"(p) "tola" means a weight of one hundred and eighty grains troy or 11.66 grams."

Notes.

This definition has been newly added through Excise and Taxation department Notification No. D. 2005/60/F. (4) E & T/59 dated 26/5/60 published in Rajasthan Rajpatra, part iv (c) dated 14.7.60.

(2) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

Possession

Notes.

The rules in this part prescribe the conditions under which, the manner in which and the persons by whom the possession of opium can be permitted.

3. (i) Any Registered Medical Practitioner desiring to possess opium for use as an ingredient in any medicine and to sell medicines containing opium on prescription shall make an application in the prescribed form (Form A.O.P.I) to the Assistant Commissioner for a licence in that behalf.

(ii) On receipt of an application under sub-rule (1), the Assistant Commissioner shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may, subject to the orders of the State Government or the Commissioner, if any, grant the applicant a licence in Form O.P.I. on payment of a fee of one rupee per year or a part thereof.

4. (i) Any person on behalf of an institution or any manufacturer of medicines desiring to possess opium, for use as an ingredient in the preparation of any medicine and to sell medicines containing opium shall make an application in the prescribed Form (Form A.O.P II) to the Assistant Commissioner for a licence in that behalf.

## Rajasthan Opium Rules, 1959

(ii) On receipt of an application under sub-rule (i), the Assistant Commissioner shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may, subject to the order of the State Government or the Commissioner, if any, grant the applicant a licence in Form O.P.II on payment of a fee of rupees five per year or a part thereof.

5. (i) Any person desiring to possess and sell medicines containing Opium shall make an application in the prescribed form (A.O.P.III) to the Assistant Commissioner for a licence in that behalf.

(ii) On receipt of an application under sub-rule (i), the Assistant Commissioner shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the licence applied for, he may subject to the orders of the State Government or the Commissioner, if any, grant the applicant a licence in Form O.P.III on payment of a fee of Rs. 5/- per year or a part thereof.

6. (i) Any person desiring to possess opium for the purpose of eating shall make an application in the prescribed form (A.O.P.IV) for a permit to the Assistant Commissioner.

(ii) On receipt of an application under sub-rule (i), the Assistant Commissioner shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the permit applied for, he may, subject to the orders of the State Government or the Commissioner, if any, grant the applicant a permit in Form O.P.IV on payment of a fee of one rupee per year or a part thereof:

Provided that no such permit shall be granted:—

(a) except on the production of a certificate in Form M.C. issued by a Medical Board or a medical Officer, as the case may be in the manner provided in Rule 26;

(b) to a person under the age of twenty-one year;

(c) to a person who was not holding any similar permit or registration card or ration card for opium, immediately prior to the date of the application, in any part of India where opium is not allowed to be possessed for personal consumption except under a permit or, registration card or ration card or who, in case where no such permit, ration card or registration card is necessary for the said purpose, is unable to satisfy the Assistant Commissioner by satisfactory evidence that he was habituated to consume opium long before the date of the commencement of these rules:

Provided further that a permit shall not be granted to any person for a quantity of opium greater than that which he was getting under his permit, registration card or ration card, if any, immediately prior to the date of the commencement of these rules; or, where no such permit, registration card or ration card was necessary for the possession of opium for personal consumption, for a quantity greater than that which he was, in the opinion of the Assis-

tant Commissioner consuming immediately prior to the date of the commencement of these rules:

7. (i) Any owner of cattle or any domestic animals desiring to passess opium for administering it to his cattle or domestic animals on medical grounds may make an application in the prescribed Form (A.O.P.V.) to the Assistant Commissioner, for a permit in that behalf.

(ii) On receipt of an application under rule (i), the Assistant commissioner shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the permit applied for, he may subject to the orders of the State Government and the Commissioner if any, grant the applicant a permit in Form O.P.V. on payment of fee of one rupee per year or a part thereof:

Provided that no such permit shall be granted unless the administration of opium has been recommended for the cattle or the domestic animals by an Officer-in-Charge of a State Veterinary Hospital/Dispensary of the area, not below the rank of a Veterinary Assistant Surgeon.

8. (i) Licences in Forms O.P.I. or O.P.II. or O.P.III shall be granted in respect of such quantity of opium as may be ffxed by the Assistant Commissioner in this behalf in accordance with the directions of the State Government or the Commissioner issued from time to time in this behalf.

(ii) A permit in Form O.P.IV shall be granted in respect of such quantity of opium as may be fixed by the Assistant Commissioner in accordance with the orders and directions issued by the State Government or the Commissioner from time to time :

Provided that the aggregate quantity that can be bought in a month under such permit shall not exceed 5 tolas of opium.

(iii) A permit in Form O.P V shall be granted in respect of such quantity of opium as is necessary in each case having due regard to the number of cattle or domestic animals as the case may be, the dosage prescribed and the recommendation of an Officer-in-Charge of a Government Veterinary Hospital or Dispensary, not below the rank of a Veterinary Assistant Surgeon.

9. No licence or permit under the aforesaid provisions shall be granted for any period beyond 31st March next following the date of the commencement of the licence or permit, as the case may be.

9A Save as provided in these rules the possession of opium is prohibited in Rajasthan in any quantity whatsoever.

*Notes.*

This rule has been newly added vide Excise and Taxation department Notification No. D. 2005/60/F 1 (4) E&T/59 dated 26/5/60, published in Rajasthan Rajpatra part IV (c), dated 14/7/60.

10 (1) An application for renewal of a licence or permit referred to in the above rules shall be submitted one month before the commencement of the year for which it is required:

Provided that where such application is made after the expiry of the aforesaid period it shall be accompanied by an additional fee of rupee one.

(2) The procedure for the renewal of a licence or permit shall be the same as in the case of grant thereof except that no medical certificate shall be required.

Present rule 10 has been substituted for the previous one vide Notification No. F.1(4) E&T/59 dated March 22, 1961, published in Rajasthan Raj-patra, part IV (c) dated May 18, 1961.

Previousls Rule 10 Stood as under.

10. Applications for renewal of licenses or permits referred to in the above rules shall be submitted one month before the commencement of the year for which it is required and the same procedure shall be followed for renewal of license or permit as is necessary in case of a fresh license of permit.

### Sale

#### Notes

The rules in this part or meant to regulate the sale of opium.

11. Depots for the sale of opium shall be established at such places as the Commissioner may from time to time direct.

12. Opium required for sale at a depot may be obtained from such places as the Government or the Commissioner may direct.

13. Opium shall not be sold at any place except at a depot, established under rule 11:

Provided that a person holding a licence in Form O.P.I. or O.P.II or O.P.III may sell medicines containing opium to the extent and subject to the conditions laid down in his licence.

### Import

This rule prescribes the circumstances under which and the manner in which the export of opium can be permitted.

14. Subject to the provision of rule 12, no opium for the purposes of sale at a depot. established under rule 11 shall be obtained except from the place prescribed by the Commissioner:

Provided that a person holding a licence in Form O.P.I or

O.P.II or O.P.III may under a pass granted under rule 15(ii) import medicines containing opium from any other State in India.

15. (i) Any person holding a licence in Form O.P.I or O.P.II or O.P.III desiring to import medicines containing opium from any other State in India shall make an application to the Assistant Commissioner in that behalf.

(ii) On receipt of an application under sub-rule (i), the Assistant Commissioner shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the pass applied for, he may forward the application with his recommendations to the Deputy Commissioner for orders, where upon the pass shall be issued by the Assistant Commissioner in Form A, in accordance with such orders.

(iii) Where medicine containing opium is imported from the State the importer not being railway administration shall on arrival of the packages of medicine containing opium at their destination, present them together with the pass covering such transport for examination to the Assistant Commissioner or any officer duly authorised by him in that behalf.

(iv) If after examination of the packages, the Assistant Commissioner or the officer authorised under sub-rule (iii) is satisfied that the packages have not been tampered with in transit, and that the number of packages and their weight correspond with the number of packages and their weight specified in the pass and the Government seal on the packages, if any, is in fact, the packages together with the pass will be handed over to the importer. If the Assistant Commissioner or such authorised officer is not so satisfied

the packages shall be detained and dealt with according to the orders, of the Deputy Commissioner.

### Export

16. (i) Any person desiring to export medicines containing opium shall make an application for a pass to the Assistant Commissioner in that behalf and shall along with the application forward an import pass or a no objection certificate from the Chief Excise Authority of the place or any other officer duly authorised in this behalf to which such medicine is to be exported.

(ii) On receipt of an application under sub-rule (1), the Assistant Commissioner shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the pass applied for, he may grant the applicant a pass in Form B.

(iii) The Assistant Commissioner shall seal with his official seal each package of medicines containing opium which is to be exported. For this purpose the exporter shall produce the packages to be exported before, the Assistant Commissioner for getting them sealed and shall not export the same without getting them so sealed.

### Notes

This rule prescribes the Circumstances under which and the manner in which the export of opium can be permitted.

### Transport within the State.

### Notes

Rules 17, 18 and 19 regulate the transport of opium as required under clause (b) of section 5 of the Act.

17. (i) Any person desiring to transport medicines containing opium shall make an application for a pass in that behalf as provided in sub-rule (ii).

Provided that no such pass shall be necessary where opium is carried by a person under a permit in Form O.P.IV or O.P.V.

(ii) Any person holding a licence in Form O.P.I or O.P.II or O.P.III and desiring to transport medicines containing opium to another district shall make an application to the Assistant Commissioner who granted him such licence and shall along with such application submit a no-objection certificate of the Assistant Commissioner of such other district to which medicines containing opium are to be transported.

(iii) On receipt of an application under sub-rule (ii), the Assistant Commissioner, shall make such inquiries as he deems necessary and if he is satisfied that there is no objection to grant the pass applied for, he may grant the applicant a pass in Form C.

18. No packet containing medicines containing opium shall be opened during its transport and the transport shall get such package duly sealed by the official-seal of the Assistant Commissioner before transporting such packet.

Provided that nothing contained in this rule shall apply to persons holding a permit in Form O. P. IV. or O.P.V.

19. (i) Where opium or medicine containing opium is transported from one district to another, the transporter not being railway administration shall, on arrival of the packages of opium or medicine containing opium at their destination, present them together with the pass covering such transport for examination to the Assistant Commissioner or any officer duly authorised by him in that behalf.

(ii) If after examination of the packages, the Assistant Commissioner or the officer authorised under sub-rule (i) is satisfied that the packages have not been tampered with in transit, and that the number of packages and their weight correspond with the number of packages and their weight specified in the pass, the packages together with the pass will be handed over to the transporter. If the Assistant Commissioner or such authorised officer is not so satisfied, the packages shall be detained and dealt with according to the orders of the Deputy Commissioner.

#### Miscellaneous.

20. No railway administration shall—

(a) receive or convey opium or medicine containing opium which is not covered and accompanied by transport pass from an officer duly empowered in this behalf, or

(b) convey opium or medicine containing opium otherwise than—

(i) direct and in custody of a railway official up to the station at which the opium or medicine containing opium should leave the railway, and

(ii) according to the route prescribed in such pass:

Provided that any person may carry opium with him while travelling from one place to another which may be necessary for his bonafide personal consumption or for his cattle, not exceeding the quantity prescribed in his permit in Form O.P. IV or O.P.V as the case may be.

21. (i) The bulk of consignment of opium or medicine containing opium in transit in the course of importation or exportation shall not be broken and any Revenue Officer, not inferior in rank to a Naib-Tehsildar or an Inspector of State Excise and Taxation Department or a Sub-Inspector of Police may at any time examine such consignment.

(ii) If, after such examination, the officer is satisfied that, the packages have not been opened or tampered with in transit and that the number of packages and their weight correspond with the number of packages and their weight specified in the pass, the consignment shall be allowed to proceed. If the said officer is not so satisfied, the consignment shall be detained and dealt with according to the orders of the Deputy Commissioner.

22. In the case of preparations and admixtures containing opium (which are not manufactured drugs under the Dangerous

Drugs Act, 1930), the bottles, phials, packages or other containers of such preparations and admixtures or the labels affixed to them shall plainly exhibit—

- (a) the actual quantity of opium present in each such bottle, phial, package or container, or
- (b) sufficient particulars thereof to admit of the ready calculation of such quantity.

23. Notwithstanding any thing contained in these rules, it shall be lawful for any person to obtain, possess, transport, consume or use any medicine containing opium in such quantity as may at one time be dispensed or sold to him in accordance with the prescription of a registered medical practitioner.

24. Any person may, without any permit or licence, purchase, possess and transport opium or medicine containing opium on behalf of a pardanashin lady or of an infirm or invalid person who is physically not fit to purchase, possess and transport opium or medicine containing opium provided that—

(i) the pardanashin lady or the infirm or invalid person holds a permit in Form O.P. IV or a prescription from a registered medical practitioner for obtaining medicine containing opium;

(ii) the person purchasing, possessing and transporting opium on behalf of the pardanashin lady or the infirm or invalid person otherwise than on a prescription has got a written authority in Form D from the pardanashin lady or the infirm or invalid person to do so on her or his behalf; and

(iii) the Assistant Commissioner has given his previous approval to such authority.

25. Notwithstanding anything contained in the foregoing rules no licence, permit or pass shall be necessary for the purchase, possession, transport, import, export and sale of opium by or under the authority of Government.

#### Medical Examination.

26 The Medical Officer shall follow the following procedure for the examination of a person applying for a permit for the possession of opium for personal consumption (hereinafter called "the applicant") and for the issue of a certificate to him:—

(i) The Medical Officer shall examine any applicant directed to him for examination by the Assistant Commissioner.

(ii) The medical examination of the applicant shall, except as otherwise desired by the Assistant Commissioner, be made at the place appointed by Government in that behalf or at the Head Quarters of the Medical Officer:

Provided that an application who is 60 years of age or above or who is physically incapable to present himself for medical examination at such place or a pardanashin lady, may at his request and on production of a medical certificate issued by his personal medical adviser to that effect, be examined by the Medical Officer at his residence.

(iii) The Medical Officer shall after examining the applicant and after taking into consideration the provisions of sub-rule (vi) record his opinion as to whether the applicant is required to consume opium and issue a medical certificate in Form M C. stating therein the quantity of opium which the applicant may be permitted to consume. He shall issue a medical certificate only with a view to progressively weaning the addicts away from addiction and or relieving pain in case of disease.

The medical certificate shall not be issued for a quantity more than 5 tolas of opium in a month. This quantity shall be progressively and automatically reduced by  $\frac{1}{8}$  every Quarter.

Provided that in cases of persons of and above the age of 60 years, no such reduction shall be made.

#### Notes

In clause (iii) of rule 26, for the words and figures "reduced by  $\frac{1}{4}$  tola every quarter, subject to the minimum of  $\frac{1}{8}$  tola every three months", the words and figures "reduced by  $\frac{1}{8}$  every quarter" have been substituted vide the same notification dated March 22, 1961 referred above.

(iv) The medical certificate may be renewed after a year after due examination by the Medical Officer concerned.

(v) In case a Medical Officer is of the opinion that restoration or increase in the quota of opium is necessary in a particular case, it shall be referred to a Medical Board, constituted for the purpose by the Government. One member of the Board shall be specialist in medicine.

This Board shall also be the appellate Board in case the permit holders desire to appeal against the quantity of opium recommended by a Medical Officer. Where a member of the Medical Board differs from another member of the Board he may endorse his remarks below the medical certificate. In such cases the Deputy Commissioner shall decide the matter himself after obtaining further opinion of the Medical Board, if he deems it necessary.

(vi) The Medical Officer shall take into consideration the age, weight, general health, medical history, illness, disease symptoms, disorder and period of habituation to taking the drug and any other matter as he deems fit and may make such clinical examination of the applicant and carry out such test with his consent and at his expense as he deems proper. The Medical Officer shall also take into consideration for the aforesaid purpose any statement made by the applicant or any fact or observation recorded by the applicants personal medical adviser writing produced by him.

(vii) The record of the medical examination of the applicant shall be kept by the Medical Officer in Form M E. The documents if any, produced by the applicant shall form part of such record.

(viii) The Medical Officer shall forward the report of the Medical examination in Form M.E., the record connected therewith and the medical certificate in Form M.C. to the Assistant Commissioner.

(ix) The Medical Officer shall charge a fee of rupee one for the medical examination, which shall be paid by the applicant to the Medical officer which shall be retained by him. Where the examination is held at the residence of the applicant at his request, he shall pay a fee of rupees five in addition to the fee of rupee one as aforesaid. Such fee shall be retained by the Medical Officer who visits and examines the applicant at his residence.

Notes.

This rule is meant to put into effect the requirements of Rule 6 (ii) proviso (a).

The proviso below Rule 26 (iii) has been newly added vide Excise and Taxation department Notification No. D. 2005/60 F. 1 (4) E & T 59 dated 26/5/60 published in Rajasthan Raj-patra, part iv (c) dated 14/7/60.

Provided that in cases of persons of and above the age of 60 years' no such reduction shall be made."

Appeals and Revisions.

27. (i) (a) For the purpose of these rules, the Assistant Commissioner shall be deemed to be subordinate to the Deputy Commissioner and the Deputy Commissioner shall be deemed to be subordinate to the Commissioner.

(b) All orders passed by the Assistant Commissioner shall be appealable to the Deputy Commissioner within sixty days from the date of the order complained of.

(c) All orders passed by the Deputy Commissioner shall be appealable to the Commissioner within ninety days from the date of the order complained of:

Provided that no appeal shall lie against an order passed by the Commissioner.

(ii) (a) Every appeal shall be made in the form of a petition addressed to the authority to whom the appeal lies, and shall be drawn up in concise and intelligible language, and shall bear the signature or mark of the appellant or of his duly authorised agent and shall also bear the court fee stamp of the requisite amount fixed under the Court Fees Act, 1870 as adapted in Rajasthan.

(b) The petition of appeal shall contain the following particulars:—

(i) the name, father's name, occupation and place of residence or address of the appellant;

(ii) the date of the order appealed against;

(iii) a brief and precise statement of the facts; and

(iv) the grounds of objection to the order appealed against.

(c) The petition shall be accompanied by the order appealed against in original or an authenticated copy thereof, unless the omission to produce such order or its copy, as the case may be, is explained at the time of the presentation of the petition of appeal to the satisfaction of the appellate authority.

- (iii) The petition of appeal shall either be presented to the appellate authority by the appellant or his agent or be forwarded to such authority by registered post.
- (iv) (a) If the petition of appeal does not comply with the requirements of sub-rule (ii) and (iii) it may summarily, be rejected:

Provided that no appeal shall be rejected under this sub-rule unless the appellant is given such opportunity, as the appellate authority thinks fit, so as to enable him to comply with the requirements of the said rules.

- (v) (a) If the appellate authority does not reject the appeal under sub rule (iv) it shall fix a date for hearing the appellant or his agent:

Provided that the appellate authority may at any stage adjourn the hearing of an appeal to any other date.

(b) On the date fixed for hearing, the appeal or on the date to which the hearing has been adjourned, the appellate authority may decide the appeal after perusing the record and hearing the appellant, provided that if on the date fixed for hearing or on any other date to which the hearing may be adjourned, the appellant does not appear before the said authority either in person or through an agent, the said authority may dismiss the appeal in default or may decide it on merits.

(vi) A copy of the order passed in appeal shall be supplied to the appellant or the person affected thereby on an application made in this behalf and on payment of the prescribed fees and another copy shall be sent to the officer whose order forms the subject matter of the appeal.

28. The State Government may on any application or otherwise call for and examine the record of any proceedings before any Excise Officer, including those relating to the grant of a licence or permit or pass granted or applied for under these rules, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed and as to the regularity of such proceedings and may either amend, reverse, modify or confirm such order or pass such other order as it may deem fit.

By Order of the Governor,  
G. S. PUROHIT,  
Secretary to the Government.

FORM A. O.P.I.

(Rule 3 Opium Rules, 1959).

Application for a licence for the possession of opium for use as an ingredient of any medicine and for the sale of medicines containing opium on prescription by a R. M. P.

To

The Assistant Commissioner,

.....

Sir,

I .....son of.....residing at.....Full address.....  
 Tehsil..... District..... request that a licence to possess  
 opium for use as an ingredient of any medicine and for the sale of  
 medicines containing opium on prescription at the premises.....  
 be granted/

(exact location)

renewed to me for the year ending the 31st March, 19 .

2. I produce Re .....on account of the licence fee

3. I require.....tolas of opium in a year for use in my  
 dispensary.

4. I am a registered medical practitioner. My registration  
 No. is .....

5. I agree to abide by the terms and conditions of the licence  
 which may be granted/renewed to me.

6. I hereby declare that

(1) no licence was ever refused to me.

(2) No similar licence previously granted to me was ever revo-  
 ked or suspended.

(3) No renewal of a similar licence was ever refused to me  
 owing to a breach of law relating to Excise Revenue, opium or into-  
 xicating drugs.

7. I declare that to the best of my knowledge and belief the  
 information furnished herein is true and no material fact has been  
 suppressed by me.

Place.....

Signature of the Applicant.

Date.....

## FORM A.O.P. II

( Rule 4 )

Application for a licence for the possession of opium for use as an ingredient  
 of a medicine and for the sale of medicines containing opium; required by an  
 institution or a manufacturer of medicine/medicines.

To

The Assistant Commissioner.

.....

Sir,

I..... of.....

..... at..... Tehsil

(Institution/Manufactuary) (Exact location)

..... District ... request that a licence for  
 the possession of opium for use as an ingredient in the preparation  
 of medicine .....and for the sale of medicines containing  
 opium at the premises.....may be granted  
 renewed for the year ending the 31st March, 19 .

2. I produce Re.....on account of the licence fee.

3. I require .....Tolas of opium in a year for use in the institution/manufactory.

4. I agree to abide by the terms and conditions of the licence which may be granted/renewed to me.

5. I hereby declare that—

(1) No licence was ever refused to me,

(2) No similar licence previously granted to me was ever revoked or suspended,

(3) No renewal of a similar licence was ever refused to me owing to a breach of law relating to Excise Revenue, Opium or intoxicating drugs.

6. I herein give the particulars (name, ingredient and use of the medicine/medicines in which Opium shall be required etc.)

7. I declare that to the best of my knowledge and belief the information furnished herein is true and no material fact has been suppressed by me.

Place.....

Signature of the Applicant.

Date.....

### FORM A.O.P. III

(Rule 5. )

(Application for a licence for the possession and sale of medicines containing Opium by a dealer in medicines)

To

The Assistant Commissioner,

.....

Sir,

I ..... S/o .. .. residing at .....  
 ..... Tehsil..... Distt..... request  
 (full address)

that I may be granted a licence

\_\_\_\_\_ to possess and sell medicines  
 the accompanying licence containing  
 \_\_\_\_\_ during

opium at the premises\_\_\_\_\_for the year  
 (exact location) may be renewed)  
 ending the 31st March, 19 ..

2. I am the holder of a licence under the Drugs Act,.....  
 My licence No. is.....

3. I agree to abide by the terms and conditions of the licence which may be granted/renewed to me.

4. I hereby declare that—

(1) No licence was ever refused to me,

(2) No similar licence previously granted to me was ever revoked or suspended,

(3) No renewal of a similar licence was ever refused to me owing to a breach of law relating to Excise Revenue, Opium or intoxicating drugs.

5. I declare that to the best of my knowledge and belief the information furnished herein is true and no material fact has been suppressed by me.

Place.....

Signature of the Applicant.

Date.....

### FORM A.O.P. IV

Application for the possession of opium for eating.

( Rule 6 ).

To

The Assistant Commissioner,

.....

Sir,

I.....  
(Father's/Husband's name)

caste.....age.....resident of.....  
(Address in full)

occupation ..... request that a permit for the possession of opium for my *bona fide* personal consumption may be granted/ renewed for the year ending 31st March.....

2. I deposit a sum of Re. 1/- as the fee for the issue of permit.

3. I require.....tolas opium per month for my *bona fide* personal consumption as I am an opium addict.

4. I am in possession/not of a ration card No .....for..... toals.

5. I undertake to take such treatment for weaning me away from opium addiction as may be prescribed.

6. I shall not transfer this registration certificate to any body else.

Place .....

Signature of the applicant.

Date .....

### FORM O.P.I

( See rule 3 (ii) .

Licence for the possession of opium for use as an ingredient of any medicine and for the sale of medicines containing opium on prescription.

Licence is hereby granted under and subject to the provisions of the Opium Act, 1878, and the rules made thereunder to Shri/ Shrimati/Kumari..... (hereinafter called "the licensee") on payment of a licence fee of Rs..... authorising him to possess opium for using it as an ingredient of any medicine and to sell medicines containing opium at his dispensary situated at..... in the taluka of.... in the district of..... subject to the following conditions, namely:—

### CONDITIONS

1. This license shall remain in force from..... to.....  
.....(both days inclusive).

2. The licensee shall not obtain opium except from a depot established under rule 11 of the Rajasthan Opium Rules, 1959:

Provided that the licensee may, in any special case, be permitted to obtain opium from any other place with the previous approval of the Dy. Commissioner:

Provided further that the licensee may obtain his requirements of medicines containing opium from any licensee who is permitted to sell such medicines under the Rajasthan Opium Rules, 1959, or may import the same from any other part in India subject to the provisions of the said rules.

3. (1) The licensee shall not obtain, during any quarter commencing from the 1st day of April, opium exceeding... .. tolas and shall not possess at any time in excess of double this quantity:

Provided that where the licensee fails to obtain any quantity of opium which he is authorised to obtain during a quarter, he shall not be entitled to obtain the same at any time thereafter during the licence period except during the quarter next following.

(2) The licensee shall get the details of the quantity obtained by him entered, in the Schedule I hereto annexed by the Officer-in-Charge of the depot before he removes from the depot the opium obtained.

(4) The licensee shall not use or sell opium except as an ingredient of any medicine prescribed and dispensed by him for his patients. He shall not dispense any medicine containing opium except under a prescription issued by him and in the manner laid down in such prescription.

5. The licensee shall not keep opium and medicines containing opium except at his dispensary.

6. No opium other than the opium obtained under his licence shall be transported or possessed by the licensee.

7. The privileges of possession and transport of opium granted under this licence shall extend only so far as they are incidental to its use in accordance with this licence.

8. (1) The licensee shall keep monthly accounts of the quantities of opium received and used and of the balance held in stock by him in the form prescribed in the Schedule II hereto annexed. The accounts shall be plainly and correctly written up in a bound book, paged and stamped with the seal of the Dy. Commissioner or any other Officer authorised by him in this behalf. Similar accounts in respect of medicines containing opium prepared, purchased or imported by the licensee shall also be maintained from day to day in such form as may be prescribed by the Commissioner, if so required by him.

(2) The licensee shall file and preserve for one year the said accounts, passes and the prescriptions, in original, in which he has prescribed opium as one of the ingredients of any medicine and

shall produce them for inspection along with the opium held by him in balance, at any time when the Assistant Commissioner or any other officer duly empowered in this behalf calls upon him to do so.

9. This licence may be suspended or cancelled at any time by the Officer granting it—

(a) for non-payment of any duty or fee payable by the licensee;

(b) for default or violation by himself or by any servant or person acting on his behalf of any of the conditions specified in the licence;

(c) if the holder thereof be convicted of a breach of the peace or of any offence against any law relating to excise revenue, liquor, or intoxicating drugs, or of any other criminal offence during the currency of the licence;

(d) if the licensee infringes any of the provisions of the Opium Act, 1878, or the rules in force thereunder;

(e) after giving the licensee fifteen days notice or if the licensee desires to surrender his licence within fifteen days from the receipt of such notice from him.

10. In case this licence is surrendered, suspended or cancelled during the currency of the period for which it is granted or is not renewed on its expiry, the licensee shall forth with hand over the whole of the unused stock of opium and of medicines containing opium to the Assistant Commissioner. The licensee shall also hand over to the Assistant Commissioner all accounts, passes and prescriptions, in original which he is required to keep and preserve under this licence.

Granted this

day of 19 .

Seal of the Office.

Signature and designation of the  
Officer granting the licence.

Place .....

(See condition 3 (2) of the Form O.P.I.).

Licence No. .... Name of the Depot.....

Name of the Licensee.....

Address.....

Aggregate quantity of opium allowed to be  
purchased during each quarter

Date.	Quantity obtained.	Progressive total of purchases for each quarter.	Signature of the Officer in-charge of the depot.
1	2	3	4
SCHEDULE II			

(See condition 8 (1) of the Form O.P.I.)

Name of Licensee.....

Licence No. ....

Register of accounts of Opium possessed and used during the  
month of.....19 .

Opening balance on the 1st day of the month.	Quantity received during the month.		Total (Total of columns 1, 2 & 3)	Quantity used in preparation of medicines during the month.	Closing balance on the 1st day of the month
	From the Depot.	From any other place.			
1	2	3	4	5	6
Opium tolas	Opium tolas.	Opium tolas.	Opium tolas	Opium tolas.	Opium tolas.

Names of medicines in which opium is used and the quantity of such medicines prepared.

Name.	Quantity prepared total.	Signature of the licensee.	Remarks if any.
7	8	9	10

### FORM O. P. II

(See Rule 4 (ii))

Licence No.

Licence for the possession of opium required on behalf of any institution, or by a manufacturer of medicines, for use as an ingredient of any medicine and for the sale of medicines containing opium.

Licence is hereby granted under and subject to the provisions of the Opium Act, 1878 and the rules made thereunder to ... of ... (hereinafter called "the licensee") in respect of\* ... (hereinafter called "the said Institution/Manufactory/Chemist") on payment of a licence fee of Rs ... authorising him possess opium for using it as an ingredient of any medicine and to sell medicines containing opium at the premises of the said Institution/Manufactory/Chemist situated at ... in the tehsil of ... in the District of....., subject to the following conditions, namely:—

### CONDITIONS

1. This licence shall remain in force from .. to... (both days inclusive):

2 The licensee shall not obtain opium except from a depot established under rule 11 of the Rajasthan Opium Rules, 1959:

Provided that the licensee may, in any special case, be permitted to obtain opium from any other place with the previous approval of the Dy. Commissioner:

\*Here specify name of institution or manufactory or chemist in respect of which opium is required.

+ 'Strike out the words which are inapplicable'.

Provided further that the licensee may obtain his requirements of medicines containing opium from any licensee who is permitted to sell such medicines under the Rajasthan Opium Rules, 1959, or may import the same from any other State in India subject to the provisions of the said Rules.

3. (1) The licensee shall not obtain, during any quarter commencing from the 1st day of April, opium exceeding ... tolas and shall not possess it at any time in excess of double this quantity:

Provided that where the licensee fails to obtain any quantity of opium which he is authorised to obtain during any quarter, he shall not be entitled to obtain the same at any time thereafter during the licence period except during the quarter next following.

(2) The licensee shall get the details of the quantity obtained by him entered in the Schedule I hereto appended by the Officer-in-Charge of the depot, before he removes from the depot the opium obtained by him.

4. The licensee shall not use or sell opium except as an ingredient of any medicine. He shall not sell medicines containing opium to any person other than a person holding (i) a license to sell medicines containing opium, or (ii) a prescription issued by a Registered Medical Practitioner in that respect; nor shall he sell such medicines containing opium in a manner different from that laid down in such license or prescription.

5. The licensee shall not keep opium and medicines containing opium except the premises of the said institution/manufactory/chemist.

6. No opium other than the opium obtained under this licence shall be transported and possessed by the licensee.

7. The privileges of possession and transport of opium granted under this licence shall extend only so far as they are incidental to its use in accordance with this licence.

8. (1) The licensee shall keep daily accounts of the quantities of opium received and used by him in the form prescribed in the Schedule II hereto appended. The accounts shall be plainly and correctly written up in a bound book, pagged and stamped with the seal of the Dy. Commissioner, Tehsildar or any other Officer authorised by him in this behalf. Similar accounts in respect of medicines containing opium prepared, purchased or imported by the licensee shall also be maintained from day to day in such form as may be prescribed by the Commissioner if so required by him.

(2) The licensee shall file and preserve for one year the said accounts, passes, and copies of the prescriptions against which he sold the opium as one of the ingredients of any medicine and shall produce them for inspection along with the opium and the medicines containing opium held by him in balance, at any time when the Assistant Commissioner or any other officer duly empowered in this behalf calls upon him to do so.

9. Except with the permission of the Commissioner, the licensee shall not sell, transfer or sub-let the privileges conferred upon him by this licence nor shall he admit any person as his partner in the business of his manufactory.†

10. The licence may be suspended or cancelled at any time by the Officer granting it—

(a) for non-payment of any duty or fee payable by the licensee ;

(b) for default or violation by himself or by any servant or person acting on his behalf of any of the conditions specified in the licence ;

(c) if the holder thereof be convicted of a breach of the peace or of any offence against any law relating to excise revenue, liquor, opium or intoxicating drugs or of any other criminal offence during the currency of the licence ;

(d) if the licensee infringes any of the provisions of the Opium Act, 1878, or the rules in force thereunder.

(e) after giving the licensee fifteen days notice, or if the licensee desired to surrender his licence within fifteen days from the receipt of such notice from him.

11. In case this licence is surrendered, suspended or cancelled during the currency of the period for which it is granted or it not renewed on its expiry, the licensee shall forthwith hand over the whole of the unused stock of opium and of the medicines containing opium to the Assistant Commissioner.

The licensee shall also hand over to the Assistant Commissioner all accounts, passes and prescriptions, in original, which he is required to keep and preserve under this licence.

Granted this.....day of.....19 ..

Seal of the Officer.

Signature and designation of the  
Officer granting the licence.

Place .....

## SCHEDULE I

(See condition 3 (2) of the form O.P. II).

Licence No.....

Name of the Depot .....

Name of the licensee.....

Address .....

Aggregate quantity of opium allowed to be purchased during each quarter.....

Date.	Quantity obtained.	Progressive total of the quantities obtained for each quarter.	Signature of the Officers-in-charge of the Depot.
1	2	3	4

†To be struck off where inapplicable.

## SCHEDULE II

( See condition 8 (1) of the Form O.P.II. )

Name of licensee.....

Licence No.....

Register of accounts of Opium possessed and used during  
the month of.....19 .

Date	Opening balance	Quantity received from the Depot.	Quantity re- ceived from any other place.	Total (Total of columns 2,3 and 4 )	Quantity used in the preparation of medicines.
1	2	3	4	5	6
	Opium tolas	Opium tolas	Opium tolas	Opium tolas	Opium tolas
Closing balance.	Names of medicines in which Opium is used and the quantity of such medi- cines manufactured.			Signature of the licensees.	Remarks if any
7	8	9	10	11	
Opium tolas	Name	Quantity manufactured tolas			

## FORM O.P. III

( See rule 5 (ii) )

Licence No.....

Licence for the possession and sale of medicines  
containing opium by a dealer.

Licence is hereby granted under and subject to the provisions of the Opium Act, 1878, and the rules made thereunder to..... of..... (hereinafter called "the licensee") on payment of a licence fee of Rs ..... authorising him to possess and sell medicines containing opium at his premises situated at..... in the Tehsil of.... in the district of... subject to the following conditions namely :—

## CONDITIONS

1. This licence shall remain in force from... to..... (both days inclusive).
2. The licensee shall not obtain medicines containing opium except as permitted under the Rajasthan Opium Rules, 1959.
3. The licensee shall not sell medicines containing opium to any person other than a person holding (i) a licence in form O.P.I

or O.P.II or (ii) a prescription issued by a registered medical practitioner in that respect; nor shall he sell such medicines in a manner different from that laid down in such licence or prescription.

4. The licensee shall not keep medicines containing opium except at the abovesaid premises.

5. No medicines containing opium other than those obtained under this licence shall be transported, possessed or sold by the licensee.

6. The licensee shall keep daily accounts of the quantities of medicines containing opium obtained and sold by him in such form as may be prescribed by the Commissioner, if so required by him. The accounts shall be plainly and correctly written up in a bound book, paged and stamped with the seal of the Dy. Commissioner or any other officer authorised by him in this behalf.

7. The licensee shall file and preserve for one year the said accounts, passes and copies of the prescriptions against which he sold medicines containing opium and shall produce them for inspection along with the stock of medicines containing opium held by him in balance at any time when the Assistant Commissioner or any other officer duly empowered in this behalf calls upon him to do so.

8. Except with the permission of the Commissioner the licensee shall not sell, transfer or sublet the privileges conferred upon him by this licence nor shall he admit any person as his partner in the business of his licence.

9. This licence may be suspended or cancelled at any time by the officer granting it—

(a) for non-payment of any duty or fee payable by the licensee;

(b) for default or violation by himself or by any servant or person acting on his behalf of any of the conditions specified in the licence;

(c) if the holder thereof be convicted of a breach of the peace or of any offence against any law relating to excise revenue, liquor, opium or intoxicating drugs or any other criminal offence during the currency of the licence;

(d) if the licensee infringes any of the provisions of the Opium Act, 1878 or of the rules in force thereunder;

(e) after giving the licensee fifteen days notice, or if the licensee desires to surrender his licence within fifteen days from the receipt of such notice from him.

10. In case this licence is surrendered, suspended or cancelled during the currency of the period for which it is granted or is not renewed on its expiry, the licensee shall forthwith hand over the whole of the unused stock of medicines containing opium to the Assistant Commissioner. The licensee shall also hand over to the Assistant Commissioner all accounts, passes and prescriptions, in

original, which he is required to keep and preserve under this licence.

Granted this.... ...day of.... ... 19

Seal of the Officer.

Signature and designation of the Officer granting the licence.

### FORM O.P. IV

(See Rule 6 (ii)).

Permit No.....

Permit for the possession of opium for personal consumption in the State of Rajasthan.

(A)

- (1) Permit holder's name .....
- (2) Father's name .....
- Husband's name .....
- (3) Religion or Caste .....
- (4) Apparent age .....
- (5) Address in full .....
- (6) Occupation .....

(B) Purpose for which the permit is granted. *For eating opium.*

(C) Reference to medical certificate—

- (1) Name and address of the Medical Officer who granted the certificate.
- (2) Date of certificate.
- (3) Quantity of opium recommended per month.
- (4) Personal identification marks of the permit-holders as verified by the Medical Officer. 1.  
2.  
3.

This permit is granted under and subject to the provisions of the Opium Act, 1878, and the rules made thereunder to.....of ... (hereinafter referred to as "the permit-holder"), on payment of a fee of .... authorising him to possess and transport opium subject to the following conditions:—

### CONDITINOS

1. This permit shall remain in force from .....to . .... (both days inclusive).
2. The permit-holder shall as soon as possible present this permit before the Inspector of Excoise Department for his counter-signature and in any case not later than one month from the receipt of this permit.
3. (1) The permit-holder shall not obtain during any one month opium exceeding..... tolas :  
Provided that this quantity may be reduced during the currency of the permit according to the orders of the Commissioner or the State Government.

(2) The permit-holder shall not possess at any one time more than..... tola of opium.

4. (1) The permit-holder shall not obtain his supplies of opium from any place except from a depot. established under rule 10 of the Rajasthan Opium Rules, 1959.

(2) The permit-holder shall get the details of the purchases entered on the reverse of the permit by the Officer-in-charge of the depot. before he removes from the depot. the opium purchased by him.

(3) No opium other than opium obtained under this permit shall be transported or possessed by the permit-holder.

(5) The opium obtained under this permit shall neither be used by any person other than the permit-holder nor shall it be used for any purpose other than the purpose for which this permit is granted.

6. The Privileges of transport and possession of opium granted under this permit shall extend only so far as they are incidental to its consumption in accordance with this permit.

7. The permit shall be non-transferable and may be suspended or cancelled, at any time by the Officer granting it—

- (a) for non-payment of any fee payable by the permit-holder;
- (b) for default or violation by the permit-holder of any of the conditions specified in the permit;
- (c) If the holder thereof be convicted of any offence against any law relating to exercise revenue, liquor opium or intoxicating drugs;
- (d) if the permit-holder infringes any of the provisions of the Opium Act, 1878 or of the rules in force thereunder;
- (e) if the purposes of which the permit was granted ceases to exist.

8. In case the permit is surrendered, suspended or cancelled during its currency or is not renewed on its expiry, the whole of the unconsumed stock of opium shall forthwith be surrendered, to the Officer granting the permit.

Granted this...      ...      ... day of...      ...      ...19.

Signature of left hand thumb impression  
of the permit-holder.

Signature and designation of the  
authority granting the permit.

Countersigned  
Inspector of the Excise Department

Dated..... ..

(Reverse of the permit)

Details of purchases of opium made by the permit holder from.....  
.. to.....

Date	Total quantity of opium permitted to be purchased in the current month	Quantity of opium purchased.	Running total of quantity of opium purchased since the first of the current month	Difference between the quantity allowed in the current month and the running total (column 4)	Signature of the Officer-in-charge of the depot. & the name of the depot.
1	2	3	4	5	6

### FORM O. P. V

(See Rule 7 (ii))

Permit No.....

Permit for the possession of opium to be used for administering it to cattle or domestic animals on Medical grounds.

Permit is hereby granted under and subject to the provisions of the Opium Act, 1878 (I of 1878), and the rules made thereunder, to..... of..... (hereinafter referred to as "the permit holder") on payment of a fee of Rs .. .. authorising him to transport and possess opium for its administration to his cattle/domestic animals specified in the Schedule hereto annexed on medical grounds at his place situated at..... in the Tehsil of..... in the district of..... subject to the following conditions, namely :—

### CONDITIONS

1. This permit will remain in force from..... to ..... (both days inclusive).
2. The privileges of transport and possession of opium granted under this permit shall extend only so far as they are incidental to its use in accordance with the conditions of this permit.
3. The permit holder shall not possess opium in excess of... tolas at any one time. He shall not keep opium at any place other than the one specified above. The opium shall be kept in a box securely locked, the keys of which shall be kept in his custody.
4. The permit-holder shall not during the currency of this permit obtain opium exceeding ..... tola:

Provided that this quantity may be reduced during the currency of the permit if the Officer granting the permit deems it necessary.

5. (1) The permit-holder shall not obtain his supplies of opium from any place except from a depot established under rule 10 of Rajasthan Opium Rules, 1959:

Provided that the permit-holder may, in any special case, be permitted to obtain opium from any other place with the previous approval of the Dy. Commissioner.

(2) The permit-holder shall get the details of the purchases entered on the reverse of the permit by the officer-in-charge of the depot, before he removes from the depot the opium obtained by him.

(3) No opium other than opium obtained under this permit shall be transported and possessed by the permit-holder.

6. The Opium obtained under this permit shall be used by the permit-holder solely for administering it to the cattle/domestic animals of the permit-holder in accordance with the recommendation of the Veterinary Surgeon or Assistant Veterinary Surgeon.

7. The permit-holder shall immediately intimate to the Officer granting the permit the reduction, if any, in the number of his cattle/domestic animals requiring administration of opium and get the quota of opium in his permit reduced accordingly.

8. The permit-holder shall surrender the permit and the unused stock of opium to the Officer-in-charge of the depot specified on the reverse of this permit, in case the cattle/domestic animals requiring the administration of opium no longer require it or cease to exist, as the case may be.

9. The permit shall be non-transferable and may be suspended or cancelled at any time by the officer granting it—

(a) for non-payment of any duty or fee payable by the permit holder ;

(b) for default or violation by the permit-holder of the conditions specified in the permit ;

(c) if the holder thereof be convicted of any offence against any law relating to excise revenue, liquor, opium or intoxicating drugs, during the currency of the permit.

(d) if the permit-holder infringes any of the provisions of the Opium Act, 1878, or of the rules in force thereunder;

(e) if the purpose for which the permit was granted ceases to exist.

10. In case the permit is suspended or cancelled during its currency or is not renewed on its expiry, the whole of the unused stock of opium shall be forthwith surrendered to the Officer-in-charge of the Depot from which the opium was obtained under clause (1) of condition 5.

Granted this.....day of.....19 ..

Seal

Signature and designation of the  
authority granting the permit.

## SCHEDULE

(here specify cattle/domestic animals).

(Reverse of the Permit in Form O P. V).

Details of purchases of opium made by the permit-holder  
 from.....to.....from the depot. at .....

1	2	3	4	5	6
Date	Total quantity of opium permitted to be purchased during the period of the permit	Quantity of Opium purchased	Running total of quantity of opium purchased since the grant of the permit	Difference between the quantity allowed during the period of the permit and the running total (column 4)	Signature of the Officer-in-charge of the depot.

FORM A.  
[See rule 15 (ii) ]**Pass for Import of medicine(s) containing Opium.**  
(Counterfoil)  
(For office use)

Serial No. \_\_\_\_\_ Date 19 . \_\_\_\_\_  
Mr. is \_\_\_\_\_  
 Messrs. are \_\_\_\_\_

hereby authorised to import the under mentioned medicine(s) containing Opium from Mr./Messrs. + \_\_\_\_\_

Exact description of the medicine.	Total quantity of the medicine to be imported	Packages contained in the medicine	No. Gross weight

This pass is granted, under and subject to the provisions of the Rajasthan Opium Rules, 1959 and subject to the following conditions:—

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19...

Signature and Designation of the Officer issuing the pass.

@Name and full address of the importer.  
 +Name and full address of the exporter.

## FORM A.

[ See rule 15 (ii) ]

**Pass for import of medicine(s) containing Opium**  
(Duplicate)

(To be forwarded to the Inspector of Excise incharge of the place of import)

Serial No. \_\_\_\_\_ Date 19 . \_\_\_\_\_  
Mr. is \_\_\_\_\_  
 Messrs. are \_\_\_\_\_

hereby authorised to import the undermentioned medicine(s) containing Opium from Mr./Messrs. + \_\_\_\_\_

Exact description of the medicine.	Total quantity of the medicine to be imported	Packages contained in the medicine	No. Gross weight

This pass is granted, under and subject to the provisions of the Rajasthan Opium Rules, 1959 and subject to the following conditions:—

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19...

Signature and Designation of the Officer issuing the pass.

@Name and full address of the importer.  
 +Name and full address of the exporter.

**FORM A.**  
(See rule 15(ii))  
**Pass for import of medicine(s) containing Opium.**  
(Quadruplicate)

(To be handed over to the applicant to accompany the consignment)

Serial No.                      Date                      19                      .  
Mr.                      @                      is                        
Messrs.                      are

hereby authorised to import the undermentioned medicine(s) containing Opium to Mr./Messrs. +

Exact description of the medicine.	Total quantity of the medicine to be imported.	Total quantity of Opium contained in the medicine to be imported.	Packages, No. Gross weight.

This pass is granted under and subject to the provisions of the Rajasthan Opium Rules, 1959 and subject to the following conditions:—

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19...  
Signature and designation of the Officer issuing the pass.

@Name and full address of the importer.  
+ Name and full address of the exporter.

**FORM A.**  
[ See rule 15 (ii) ]  
**Pass or import of medicine(s) containing Opium**  
(Triplicate)

(To be forwarded to the Excise Authority of the place)

Serial No.                      Date                      19                      .  
Mr.                      @                      is                        
Messrs.                      are

hereby authorised to import the undermentioned medicine(s) containing Opium to Mr./Messrs. +

Exact description of the medicine.	Total quantity of the medicine to be imported.	Total quantity of Opium contained in the medicine to be imported.	Packages, No. Gross weight.

This pass is granted, under and subject to the provisions of the Rajasthan Opium Rules, 1959 and subject to the following conditions:—

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19...  
Signature and designation of the Officer issuing the pass.

@Name and full address of the importer.  
+ Name and full address of the exporter.

## Rajasthan Opium Rules, 1959

## FORM B.

[See rule 16 (ii) ]

Pass for export of medicine(s) containing Opium,  
(Counterfoil)  
(For office use)

Serial No. \_\_\_\_\_ Date \_\_\_\_\_ 19 .  
Mr. \_\_\_\_\_ @ \_\_\_\_\_ is \_\_\_\_\_  
Messrs. \_\_\_\_\_ are \_\_\_\_\_  
hereby authorised to export the under mentioned medicine(s) contain-  
ing Opium to Mr./Messrs. +

Exact description of the medicine.	Total quantity of the medicine to be exported	Total quantity of Opium contained in the medicine to be exported.	Packages No. Gross weight

This pass is granted under and subject to the provisions of  
the Rajasthan Opium Rules, 1959.

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19...

Signature and Designation of the Officer issuing the pass.

@Name and full address of the exporter.  
+ Name and full address of the importer.

## FORM B.

[See rule 16 (ii) ]

Pass for export of medicine(s) containing Opium,  
(Duplicate)  
(To be forwarded to the Inspector of Excise of the plac  
of export)

Serial No. \_\_\_\_\_ Date \_\_\_\_\_ 19 .  
Mr. \_\_\_\_\_ @ \_\_\_\_\_ is \_\_\_\_\_  
Messrs. \_\_\_\_\_ are \_\_\_\_\_  
hereby authorised to export the undermentioned medicine (s) conta-  
ining Opium to Mr./Messrs. +

Exact description of the medicine.	Total quantity of the medicine to be exported	Total quantity of Opium contained in the medicine to be exported.	Packages No. Gross weight

This pass is granted under and subject to the provisions of  
the Rajasthan Opium Rules, 1959.

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19...

Signature and Designation of the Officer issuing the pass.

@Name and full address of the exporter,  
+ Name and full address of the importer.

## FORM B.

[ See rule 16(ii) ]

## Pass for export of medicine(s) containing Opium.

(Triplicate)

(To be forwarded to the Excise Authority of the place of Import)

Serial No. \_\_\_\_\_ Date 19 . \_\_\_\_\_  
 Mr. \_\_\_\_\_ @ \_\_\_\_\_ is \_\_\_\_\_  
 Messrs. \_\_\_\_\_ are \_\_\_\_\_

hereby authorised to export the undermentioned medicine(s) containing Opium to Mr./Messrs. + \_\_\_\_\_

Exact description of the medicine.	Total quantity of the medicine to be exported.	Total quantity of Opium contained in the medicine to be exported.	Packages. No. Gross. weight

This pass is granted under and subject to the provisions of the Rajasthan Opium Rules, 1959,

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19... Signature and designation of the Officer issuing pass.

@Name and full address of the exporter.  
 + Name and full address of the importer.

## FORM B.

(See rule 15(ii))

## Pass for export of medicine(s) containing Opium.

(Quadruplicate)

(To be handed over to the applicant to accompany the consignment)

Serial No. \_\_\_\_\_ Date 19 . \_\_\_\_\_  
 Mr. \_\_\_\_\_ @ \_\_\_\_\_ is \_\_\_\_\_  
 Messrs. \_\_\_\_\_ are \_\_\_\_\_

hereby authorised to export the undermentioned medicine(s) containing Opium to Mr./Messrs. + \_\_\_\_\_

Exact description of the medicine.	Total quantity of the medicine to be exported.	Total quantity of Opium contained in the medicine to be exported.	Packages. No. Gross. weight

This pass is granted under and subject to the provisions of the Rajasthan Opium Rules, 1959.

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19... Signature and designation of the Officer issuing pass.

@Name and full address of the exporter.  
 + Name and full address of the importer.

## Rajasthan Opium Rules, 1959

## FORM C.

[See rule 17 (iii) ]

**Pass for transport of opium/medicine (s) containing Opium**  
 (Counterfoil)  
 (For office use)

Serial No. \_\_\_\_\_ Date 19 . \_\_\_\_\_  
 Mr. \_\_\_\_\_ is \_\_\_\_\_  
 Messrs. \_\_\_\_\_ are \_\_\_\_\_  
 hereby authorised to transport to + from × undermentioned drugs:—

Exact description of the Drug.	Total quantity of the medicine to be transported in the medicine containing opium. &	Total quantity of Opium contained in the medicine weight	Packages No. Gross

This pass is granted under and subject to the provisions of the Rajasthan Opium Rules, 1959, and subject to the following conditions:—

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19... Signature and Designation of the Officer issuing the pass.

"Name of the person or firm authorised.  
 + Locality and district of destination of consignment.  
 × Name and full address of the consignor.  
 & To be filled in when medicine containing opium is to be transported.

## FORM C.

[See rule 17 (iii) ]

**Pass for transport of opium/medicine(s) containing Opium**  
 (Duplicate)  
 (To be forwarded to the Inspector of Excise of the place of transport.)

Serial No. \_\_\_\_\_ Date 19 . \_\_\_\_\_  
 Mr. \_\_\_\_\_ is \_\_\_\_\_  
 Messrs. \_\_\_\_\_ are \_\_\_\_\_  
 hereby authorised to transport to + from × the undermentioned drugs:—

Exact description of the drug	Total quantity of the medicine to be transported in the medicine containing opium. &	Total quantity of Opium contained in the medicine weight	Packages No. Gross

This pass is granted under and subject to the provisions of the Rajasthan Opium Rules, 1959, and subject to the following conditions:—

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19... Signature and Designation of the Officer issuing the pass.

"Name of the person or firm authorised.  
 + Locality and district of destination of consignment.  
 × Name and full address of the consignor.  
 & To be filled in when medicine containing opium is to be transported.

transported, containing opium is to be

FORM C.

[See rule 17 (iii) ]

Pass for transport of opium/medicine (s) containing Opium  
(Triplicate)

(To be forwarded to the Inspector of Excise of the place  
of destination)

Serial No. Date

19 . .

is  
are

Mr. \_\_\_\_\_  
Messrs. \_\_\_\_\_

hereby authorised to transport to + from × undermentioned drugs:—

Exact description of the Drug.	Total quantity of the medicine to be transported	Total quantity of Opium contained in the medicine	Packages No. Gross weight
			containing opium. &

This pass is granted under and subject to the provisions of  
the Rajasthan Opium Rules, 1959, and subject to the following  
conditions:—

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19...

Signature and Designation of the Officer issuing the pass.

"Name of the person or firm authorised.  
+ Locality and district of destination of consignment.  
× Name and full address of the consignor.  
& To be filled in when medicine containing opium is to be  
transported.

FORM C.

[ See rule 17 (iii) ]

Pass for transport of opium/medicine(s) containing Opium  
(Quadruplicate)

(To be handed over to the applicant to accompany the  
Consignment.)

19 . .

is  
are

Serial No. Date

Mr. \_\_\_\_\_  
Messrs. \_\_\_\_\_

hereby authorised to transport to + from × the undermentioned drugs:—

Exact description of the drug	Total quantity of the medicine to be transported	Total quantity of Opium contained in the medicine	Packages No. Gross weight
			containing opium. &

This pass is granted under and subject to the provisions of  
the Rajasthan Opium Rules, 1959, and subject to the following  
conditions:—

- (1) The consignment shall not be broken in transit.
- (2) This pass shall remain in force up to and including 19...

Signature and Designation of the Officer issuing the pass.

"Name of the person or firm authorised.  
+ Locality and district of destination of consignment.  
× Name and full address of the consignor.  
& To be filled in when medicine containing opium is to be  
transported.

## FORM D

(See rule 24 (ii) )

Form of Authority.

I hereby appoint.....  
to buy, possess and transport opium on my behalf on my permit  
No.....

Identification marks of the agent.

- 1.
- 2.

Signature or thumb impression of  
the agent.

Signature or thumb impression of  
the person giving the authority.

Signature or thumb impression of the  
agent taken in the presence of the  
Officer authorised to grant the permit

Approved.

Signature of the Officer authorised.  
to grant the permit.

Place.....

Date.....

## FORM M.C.

(Rule 26 (iii) )

Certificate from the Medical Officer or Medical Board recommending the  
grant to an applicant of a permit to possess opium for personal consumption.

This is to certify that the applicant Shri/Shrimati/Kumari\*  
..... (Religion)..... who is, by his/her statement, aged  
..... years and is apparently about ..... years  
of age, residing at §..... has by his/her  
statement and on examination been found to be habituated to  
consume opium.

The applicant states that he/She is suffering from+ .....  
and, on examination..... is found to be suffering from+  
..... there is no trace of any incurable or painful disease.

The Medical Officer or the Medical Board is of the opinion  
that the said Shri/Shrimati/Kumari..... requires Opium  
for his/her personal consumption as a medical necessity and recom-  
mends that he/she may be permitted to consume opium in a quantity  
not exceeding ..... Tolas per mensem for a period of.....  
months subject to the condition that a cut of..... tola in  
the said quantity shall be effected every quarter.

The personal identification marks of the above-named Shri/  
Shrimati/Kumari..... as verified are:—

- |            |       |       |       |       |       |
|------------|-------|-------|-------|-------|-------|
| (i).....   | ..... | ..... | ..... | ..... | ..... |
| (ii).....  | ..... | ..... | ..... | ..... | ..... |
| (iii)..... | ..... | ..... | ..... | ..... | ..... |

The photograph of the above named Shri/Shrimati/Kumari....  
.....has been verified and found to represent him/her. A declaration to this effect has been signed on the reverse of the photograph.

Station (full address)		(1) .....	.....	....
		(2) .....	.....	....

Place.....

Date.....

Signature of the Medical Officer,  
or

Signature with designation of the  
Members of the Medical Board for  
the District of.... ..

\*Full Name of the Applicant.

Address in full.

+The diagnosis of the incurable or painful disease.

*Foot note:—*(1) This certificate can only be given by a Medical Officer or Medical Board appointed for the area in which the applicant is residing and desires to obtain the drug.

(2) No certificate should be granted to a minor.

(3) In case of any dissent, the dissenting member may record his remarks in a note below the certificate.

FORM M.E.

( Rule 26 (vii) ).

Record of Medical Examination.

1. Name and address of the Examinee.....

2. Age.....

3. Sex.....

4. Weight.....

5. Blood Pressure .....

6. (a) General Physical Examination.

(b) (1) Evidence, if any, to show that the Examinee is habituated to consume opium.

(2) Evidence for loss of weight, if any.

(3) Condition of heart and blood vessels.

(4) Presence of any disease for which examinee is required to use or consume opium (Please state the name of the disease and also whether it is an incurable or painful disease).

7. Period for which the applicant is habituated to consume opium.

8. Quantity of opium recommended by the examinee's personal medical adviser and the reasons given by him for such recommendation.

9. Quantity of opium recommended per mensem by the Medical Officer or the Medical Board and also its reasons for recommending or refusing the use or consumption of opium by the examinee.

10. Any other remarks.

Signature of the Medical Officer,  
or

Signature (s) with designation (s) of  
the Members of the Medical Board  
for the area of .....

Place.....

Date.....

## RAJASTHAN OPIUM RULES, 1959

**Notification No. F. 1 (96), E&T/58**—In exercise of the powers conferred by section 5 of the Opium Act, 1878 (Central Act 1 of 1878) the State Government hereby makes the following amendment in the Rajasthan Opium Rules, 1959, namely:—

### AMENDMENT

After the existing rule 10. of the said rules, the following new rule shall be added, namely:—

“10A. A visiting permit holder of opium, may import into Rajasthan and possess opium obtained and possessed under a medical permit granted by any other State in India, up to the extent of quantity authorised in such permit, provided that,—

(i) such opium permit holder of any other State in India when visiting Rajasthan brings with him, opium permit and also a certificate from the excise authority of the place from where he comes, in evidence of the grant of such permit which shall be got countersigned from the Excise Officer of the first destination of the visitor,

(ii) such opium permit holder shall not have in his possession opium in excess of the quantity authorised in the permit, and

(iii) such permission shall be valid for a period not exceeding one month from the date of issue of the certificate referred to in (i) above, and if the opium permit holder prolongs his stay in Rajasthan, he shall obtain a regular permit from the authority competent to issue such permit in Rajasthan on surrender of the medical permit issued in the State from which he migrates or returns.

[Finance (Revenue and Economic Affairs) Department (Rev. Sec.) Notification dated 20-12-63-published in Rajasthan Gazette part 4 (Ga.) Dt. 20-2-64 page-671 (17)]

## Notifications under

### RAJASTHAN OPIUM RULES, 1959.

*Published in Raj. Raj-patra part I (b) dated September 24, 1959 at page 305*

Jaipur, August 20, 1959.

No. D. 1790/59/ F. 1 (4) ET/59.—In pursuance of sub-rule (v) of rule 26 of the Rajasthan Opium Rules, 1959, the State Government hereby constitutes at every Division and District Headquarters a Medical Board (as defined in clause (j) of Rule 2 (1) ) consisting of the following members:—

At Divisional Headquarters.

- |  |           |
|--|-----------|
| 1. Principal, Medical & Health Officer     | Chairman. |
| 2. A Specialist (Senior or Junior)         |           |
| who is also a physician...     ...     ... | Member    |
| 3. A Lady Doctor     ...     ...           | -do-      |

At District Headquarters.

- |   |      |           |
|---|------|-----------|
| 1. District Medical & Health Officer        | .... | Chairman. |
| 2. C. A. S. Class I who is also a physician | .... | Member.   |
| 3. A Lady Doctor     ...     ....     ....  | .... | -do-      |

*Notifications under*

**INDIAN OPIUM ACT. 1878.**

*Published in Raj. Raj-patra Vol. 4 No. 110 Dated 27-9-52 part I at page 608-609.*

Separate Revenue Department.

**NOTIFICATION.**

Jaipur, August 25, 1952.

No. F. 37 (1) S.R./52.—In exercise of the powers conferred by section 14 of the Opium Act, 1878, the Government of Rajasthan is pleased to authorise the undermentioned officers of the Excise, Police, Revenue and Opium Departments to exercise all or any of the powers under section 14 of the said Act :—

- (i) All officers of the Excise Department of and above the rank of Inspector;
- (ii) All officers of the Police Department of and above the rank of Sub-Inspector;
- (iii) All officers of the Revenue Department of and above the rank of Naib-Tehsildar;
- (iv) All administrative officers of the Opium Department of and above the rank of Girdawar/Supervisor.

By Order of  
His Highness the Rajpramukh  
GANGA SAHAI PUROHIT  
Secretary to the Government.

*Published in Raj. Raj-patra Dated June 26, 1954 part I (b) at page 197:*

Separate Revenue Department

**NOTIFICATION**

Jaipur. march 14. 1954.

No. F. 37 (3) S. R./53. In exercise of the powers conferred by section 14 of the Opium Act, 1878 ( Central Act No. I of 1878 ). the Government of Rajasthan is hereby pleased to authorise all officers of the Opium (Narcotics) Departments of the Government of India not below the rank of Inspectors to exercise the powers specified in the said section.

By Order of  
His Highness the Rajpramukh.  
JAGAN NATH PUROHIT  
Secretary to the Government.

*Published in Raj. Raj-patra Dated May 19, 1956 part I (a) at page 63:*

English Translation  
[Authorised by His Highness the Rajpramukh]

### NOTIFICATION

Jaipur, May 7, 1956.

*No. F. 49 (10) SR/51.*—In exercise of the powers conferred by section 19 of the Opium Act, 1878. (I of 1878) the Government of Rajasthan is hereby pleased to authorise the following officers to issue warrants of arrest for the purposes mentioned in the said section :—

- (1) Officers of the Excise Department of the Government of Rajasthan of or above the rank of Assistant Commissioner.
- (2) All Revenue of Officers of or above the rank of Tehsildar.

English Translation  
[Authorised by His Highness the Rajpramukh.]

### NOTIFICATION

Jaipur, May 7, 1956

*No. F. 49 (10) SR/51.*—In exercise of the powers conferred by section 14 of the Opium Act, 1878 (1 of 1878) the Government of Rajasthan is hereby pleased to authorise the following officers to exercise the powers of entry, arrest and seizure mentioned in the said section:—

1. Officers of the Excise Department Rajasthan of or above the rank of Excise Clerk or Mohrir.
2. Police Officers of or above the rank of Head Constable.

By Order of  
His Highness the Rajpramukh,  
G. S. PUROHIT,  
Secretary to the Government.

*Published in Raj. Raj-patra Dated November 16, 1956. part IV (c) at page 276.*

Jaipur, November 16, 1956.

*No.F. 14 (84) E.&T./56-7.*—In exercise of the powers conferred by section 14 of the Opium Act, 1878 (Central Act, I of 1878) and in supersession of existing notifications on the subject in force in the Ajmer area, the Abu area, the Sunel area and the area of the pre-Reorganisation State of Rajasthan, the State Government hereby authorise the undermentioned officers of the Excise, Police, Revenue and Opium Departments to exercise all or any of the powers under the said section :—

- (i) All officers of the Excise Department of and above the rank of Inspector;
- (ii) All officers of the Police Department of and above the rank of Sub-Inspector;

- (iii) All officers of the Revenue Department of and above the rank of Naib-Tehsildar,
- (iv) All officers of the Opium (Narcotics) Department of the Government of India of and above the rank of Inspectors.

*Published in Rajasthan Raj-patra Dated November 16, 1956 part IV(c) at page 279*

Jaipur, November 16, 1956.

*No F. 14 (84) E&T/56-10.*—In exercise of the powers conferred by section 19 of the Opium Act (Central Act I of 1878) and supersession of existing notifications on the subject in force of existing notifications on the subject in force in the Ajmer area, the Abu area, the Sunel area and the area of the pre-Reorganisation State of Rajasthan, the State Government hereby authorises the following officers to issue warrants of arrest for the purposes mentioned in the said section—

(1) Officers of the Excise Department of the Government of Rajasthan of or above the rank of Assistant Commissioner.

(2) All Revenue Officers of or above the rank of Tehsildar.

*Published in Raj. Raj-patra Dated December 27, 1956 part IV (c) at page 710.*

Excise And Taxation Department

# NOTIFICATION

Jaipur, December 15, 1956.

*No. F. 14 (84) E & T/56-13.*—In exercise of the powers conferred by section 15 of the Opium Act, 1878 (Central Act I of 1878) and in supersession of the existing notifications on the subject in force in the Ajmer area, the Abu area, the Sunel area and the area of the pre-Reorganisation State of Rajasthan, the State Government is hereby pleased to authorise the following officers to exercise the powers of entry, arrest and seizure mentioned in the said section:—

1. Officers of the Excise Department of Rajasthan of or above the rank of Excise Clerk or Moharir.
2. Police Officers of or above the rank of Head constable.

By Order of the Governor,  
G. S. PUROHIT,  
Secretary to the Government.

# Rajasthan Opium (Lanced poppy Heads) Rules, 1960

Excise and Taxation Department  
NOTIFICATION

Jaipur, December 26, 1960.

No. F. 1 [110] E. & T. /60.—In exercise of the powers conferred by section 5 of the Opium Act 1878 [Central Act I of 1878] and by section 143 read with section 49 of the Bombay Prohibition Act, 1949 [Bombay Act 25 of 1949] as applicable to Abu area, the State Government, hereby makes the following rules for possession, transport, import, export, sale of and levy of duty on, lanced poppy heads and orders with reference to the proviso to section 143 of the Bombay Prohibition Act, 1949, that previous publication of these rules is dispensed with as the State Government considers that these rule should be brought into force at once, namely—

Notes.

(i) In rule-making formula after the word 'import' the word 'export' has been inserted vide Excise and Taxation Department Notification No. F. 1 (110)/E&T/60-I dated January 20, 1961, published in Rajasthan Raj-patra, part IV (c) dated January 20, 1961.

## RULES

1. *Short title and commencement.*—(a) These rules may be called the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960.

(b) They shall extend to the whole of the State of Rajasthan.

(c) They shall come into force at once

Notes.

Section 3 of the Opium Act, 1878 defines "Opium" as under.—

'opium' means—

(i) the capsules of the poppy (*Papaver Somniferum* L.) whether in their original form or cut, crushed or powdered, and whether or not juice has been extracted therefrom;

(ii) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport; and

(iii) any mixture, with or without materials, of any of the above forms of opium,

but does not include any preparation containing not more than 0.2 per cent. of morphine, or a manufactured drug as defined in section 2 of the Dangerous Drugs Act, 1930;

Section 5 of the Act requires the State Government to make rules for regulating.....

(a) the possession of opium,

(b) the transport of opium;

(c) the importation or exportation of opium; and

(d) the sale of opium, and the form of duties leviable on the sale of opium by retail:

The present rules regulate the possession, import, export, Sale and transport of opium in the form of "Lanced Poppy-Heads," "Lanced Poppy-heads" have been defined under Rule 2 (d) of these rules. The Rajasthan Opium Rules, 1959 apply in respect of "opium" as defined in Rule 2 (1) (k) of those rules. The possession, import, export, sale and transport of "Lanced Poppy-heads" are not covered by those rules.

The Government of Rajasthan originally framed rules under section 5 of the Opium Act in respect of "Lanced Poppy- Heads" vide Notification No. F. 14 (84) E&T/56-11 dated 16/11/56 published in Rajasthan Raj-patra, part IV (c) dated 16-11-56 and the same were incorporated in Rajasthan Rules Compendium volume VI. These rules of 1955 were however superseded by the Rajasthan Opium Lanced Poppy-Heads Rules, 1958 published vide Excise and Taxation department Notification No. F. 1 (96) E/T57 dated 21/1/ 59, published in Rajasthan Raj-patra, Part IV (c) dated 12/3/59. The rules of 1958 were subsequently amended vide Notifications No. F. 1 (20) E&T/59-III dated 1/4/59, No. D. 878/59/F. 1 (96) ET/57 dated 5/9/59, and No. F. 1 (99) ET 57 dated 11-8-60 published in Rajasthan Raj-patra, part IV (c) dated 1/4/59, 15/10/59 and dated 25/8/60, respectively.

The rules of 1958 alongwith subsequent aforesaid amendments thereto, however, stand repealed by the present rules vide rule 24. As the rules of 1958 alongwith sub-sequent amendments have already been repealed, the same have not been incorporated in this volume.

2. *Definitions*.—In these rules, unless the context otherwise, requires:—

- (a) "Assistant Commissioner", "Deputy Commissioner", "Commissioner" and "Inspector" mean respectively the officers of these designations of the Excise and Taxation Department of the State;
- (b) "cultivator" means a cultivator of poppy licensed under the Opium Act, 1857;
- (c) "form" means a form appended to these rules;
- (d) "lanced poppy heads" mean the capsules of the poppy plant, whether in their original form, cut, crushed or powdered, from which the juice has been extracted;
- (e) "licensee" means and includes a person holding a license under rule 9 or rule 10
- (f) "licensed vendor" means a person holding a license under rule 10.

3. *Possession*.—No person except a licensee in accordance with the terms of his license, shall, at any one time, keep in his possession any lanced poppy heads in respect of which any duty payable under these rules, has not been paid and which exceed two kilograms:

Provided that a cultivator may, subject to rule 4, during the period from the 1st of April to 31st of July keep such lanced poppy heads as are directly relatable to the crop produced by him, in any quantity and any lanced poppy heads remaining with him thereafter shall either be sold after obtaining a license under rule 10 or be disposed of by burning or mixing with manure.

4. *Declaration by a cultivator*.—Every cultivator shall, in each year, submit, by the 1st of April, to the Inspector, a true declaration in Form P. H. 1 in respect of the land in which he cultivated the poppy and of the stocks of lanced poppy heads directly relatable to the crop produced by him and shall also declare every building or place used or to be used by him for storing the same.

5. *Transport.*—(1) No person shall carry or move, or cause to be carried, or moved within the State any lanced poppy heads exceeding two kilograms except—

(a) from the place of storage of a cultivator to a licensed bonded warehouse or from such warehouse to another such warehouse, under cover of a transport certificate in Form P.H. 2 issued by the Assistant Commissioner of the area to which the lanced poppy heads are to be carried or moved, or

(b) from the place of storage of a cultivator or of the licensed bonded warehouse to the premises of a licensed vendor, under a permit in Form P.H. 3 issued by the Assistant Commissioner of the area in which the premises of the licensed vendor are situated.

(2) Nothing in sub-rule (1) shall apply to the cultivator transporting lanced poppy heads from the place of cultivation to the place of storage during the period from the 1st of April to the 31st of July each year.

(3) No permit under clause (b) of sub-rule (1) shall be issued without pre-payment of duty specified under rule 14.

6. *Import.*—No person shall, at any one time, import lanced poppy heads exceeding one kilogram in quantity :

Provided that a licensee of a bonded warehouse may, subject to the conditions of his license, import lanced poppy heads for the storage of the same in the said bonded warehouse under cover of a certificate in Form P.H. 2 issued by the Assistant Commissioner of the District where the said warehouse is situated.

7. *Export.*—No person shall export lanced poppy heads exceeding one kilogram in quantity :

Provided that a cultivator or a licensee of a bonded warehouse may export lanced poppy heads under cover of an export certificate in Form P.H. 2 issued by the Assistant Commissioner of the exporting district on the basis of a valid import permit issued by the competent authority of the district of import specifying the quantity to be imported. Such export certificate shall accompany the consignment, the bulk of which shall not be broken during transit.

8. *Sale*—(1) No person shall sell lanced poppy heads except under a license granted under rule 10 and in accordance with the provisions of these rules and the conditions of the license granted to him :

Provided that—

(i) a cultivator may during the period from the 1st April to the 31st July, sell lanced poppy heads directly relatable to the crop produced by him, to a person having a licensed bonded warehouse and holding a certificate under clause (a) of sub-rule (1) of rule 5 or to a licensed vendor holding a permit under clause (b) of sub-rule (1) of rule 5; or

- (ii) a person having a licensed bonded warehouse may sell lanced poppy heads to a licensed vendor under a permit in Form P.H. 3 issued by the Assistant Commissioner in whose jurisdiction the premises of the licensed vendor are situated; or
- (iii) a person having a licensed bonded warehouse may sell lanced poppy heads to another person having such bonded warehouse, and holding a certificate under clause (a) of sub rule (1) of rule 5

(2) No person shall sell decoction of lanced poppy heads or its admixture with any other substance.

9. *Bonded warehouse*—(1) The Assistant Commissioner may, subject to any general or special order of the Commissioner, approve and license any private bonded warehouse for the storage of lanced poppy heads on which no duty under rule 14 has been paid and may require a licensee to furnish a bond with such surety or sufficient security in such amount and on such conditions as may be approved, binding the licensee to pay the duty due on the goods deposited therein and for the due observance of the terms, conditions and requirements of the rules or any order made thereunder in respect thereof. The Assistant Commissioner may revoke his approval of a warehouse and upon such revocation all goods warehoused therein shall be removed as the Assistant Commissioner directs;

Provided that in the event of death or insolvency or insufficiency of the surety or where the amount of the bond is inadequate, the Assistant Commissioner may in his discretion demand a fresh bond and may also demand additional security.

(2) License for maintaining private bonded warehouse for storage of lanced poppy heads shall be granted in Form P.H. 4 by the Assistant Commissioner on payment of a fee of Rs. 25/- per annum or part thereof and may be renewed for a period of one year. Such license shall be issued only to a licensed vendor.

(3) Every licensee of a private bonded warehouse shall maintain a warehouse register in Form P. H. 5 in which he shall on the same day on which any operation takes place enter full details of all goods received, issued and balance at the close of each day showing the details of permit under which the movement was allowed.

10. *License of sale*.—(1) Licenses for the sale of lanced poppy heads required by rule 8 shall be of two classes:—

- (a) license in Form P.H. 6 for the wholesale vend of lanced poppy heads, and
- (b) license in Form P.H. 7 for the retail vend of lanced poppy heads.

(2) Number of licenses for the sale of lanced poppy heads by wholesale or retail shall be fixed from time to time for each area by the

Commissioner and shall be disposed of by auction by the Assistant Commissioner in so far as may be, in accordance with the procedure prescribed for the auction of country liquor licenses in chapter VII of the Rajasthan Excise Rules, 1956, except that final approval of the Commissioner shall not be necessary for acceptance of the highest bid.

11. *Limitation of license.*—(1) Every license granted or renewed under these rules shall be for a period not exceeding one year but in no case shall such period extend beyond the 31st March next following the date of commencement of the license.

(2) Every license shall be deemed to have been granted or renewed personally to the licensee and no license shall be sold or transferred without obtaining previous permission in writing from the licensing authority.

12. *Revocation of license.*—(1) Any license granted under these rules may be revoked by the licensing authority if the holder, or any person in his employ, is found to have committed a breach of the conditions thereof, or of any of the provisions of the Act or these rules :

Provided that such revocation shall not be made until the holder of the license has been given a reasonable opportunity of showing cause against the action proposed to be taken.

(2) Every such order shall be in writing and shall specify the reasons for the revocation and shall be communicated to the licensee.

(3) Where a license is revoked under this rule the holder of the license shall not be entitled to claim any compensation or refund of license fee for such cancellation but his license may, again be auctioned at his-risk.

13. *Surrender of license.*—A licensed vendor may surrender his license at any time during the currency of the license, after giving one month's notice in writing to the Assistant Commissioner of his intention to surrender the same and on payment of the fee payable for the license for the whole period for which it would have been current but for such surrender :

Provided that if the Assistant Commissioner is satisfied that there is sufficient reason for surrendering such a license, he may remit the sum so payable or any portion thereof.

*Explanation.*—The words "licensed vendor" as used in this rule include a person whose bid for a license has been accepted although he may not actually have received the license.

14. *Duty.*—(1) No person shall possess, export, import or sell lanced poppy heads otherwise than in accordance with these rules and unless a duty at the rate of 50 NP. per kilogram has been paid in respect thereof in the manner hereinafter laid down :

Provided that the State Government may by a notification in the Official Gazette, reduce or enhance such duty with effect from such date as is specified in the notification.

- (2) No duty under sub-rule (1) shall be levied on—  
(i) [Omitted],

Notes.

2. Clause (i) of sub-rule (2) of rule 14 has been omitted vide the same amending notification dated January 20, 1961 referred above.

Previous clause (i) read as under:—

(i) export of any lanced poppy heads on which a duty on import is leviable in the State to which they are being carried,

(ii) possession by a cultivator during the period from the 1st of April to the 31st of July, of such lanced poppy heads as are directly relatable to the crop produced by him, or upon sale thereof by him during the said period to a licensed vendor under the cover of a transport certificate in Form P. H. 2 or a permit in Form P. H. 3 issued by the Assistant Commissioner of the area in which the premises of the licensed vendor are situated,

(iii) export, import, transport or sale to a licensed vendor, under the cover of a transport certificate in Form P. H. 2 or a permit in Form P. H. 3 issued by the Assistant Commissioner of the area in which the premises of the licensed vendor are situated, or

(iv) possession by a licensed vendor holding a licence under rule 9.

15. *Exemption from duty.*—The State Government may by notification in the Official Gazette exempt, subject to such condition as may be specified in the notification, any lanced poppy heads from the whole or any part of the duty leviable thereon, if in the opinion of the State Government it is necessary to grant such exemption in the public interest.

16. *Refund of Duty.*—No duty which has been paid under rule 14 and of which repayment wholly or in part is claimed in consequence of the same having been paid through inadvertance, error or mis-construction shall be refunded unless a written claim is lodged with the Assistant Commissioner within six months from the date of such payment.

17. *Remission of duty*—Any lanced poppy heads which have deteriorated in quality and are unsaleable, may, if the cultivator, or the person having a licensed bonded warehouse so desires, be destroyed in the presence of the Inspector with the permission of the Assistant Commissioner subject to the approval of the Deputy Commissioner and necessary entries shall be made in the relevant register. Duty on the lanced poppy heads so destroyed shall not be levied.

18. *Alteration of duty.*—The rate of duty applicable to the lanced poppy heads cleared on payment of duty shall be the rate in force on the date on which duty is paid or if the goods are cleared from a licensed bonded warehouse, on the date of the actual removal thereof from such bonded premises.

19. *Recovery of duty short levied.*—When duty has been short levied through inadvertance, error, collusion or mis-construction or through mis-statement or when any such duty after having been levied, has been owing to such cause, erroneously refunded, the person chargeable with the duty so short levied or to whom such refund has been erroneously made shall pay the deficiency or repay the amount paid to him in excess as the case may be, on written demand made by the Assistant Commissioner concerned for payment of this sum at such time and place as may be specified by him.

20. *Time and manner of payment of duty.*—Duty at the prescribed rate shall be deposited in the Treasury by the licensed vendor before obtaining a permit from the Assistant Commissioner for taking delivery for a purpose other than for carrying to a bonded warehouse.

21. *Weighment.*—(1) Weighment of lanced poppy heads for the purpose of levy of duty shall be made in presence of the Inspector concerned and entry to this effect shall be made in the relevant register.

(2) The Assistant Commissioner or any other officer superior to him may order reweighment of the stock of lanced poppy heads for the purpose of checking if there are reasons to believe it that the weighment before the Inspector was deficient or incorrect. The weight thus ascertained on reweighment if found more than from the original weight shall be deemed to be the weight chargeable with duty.

22. *Appeal.*—(1) An appeal from the order of the Assistant Commissioner shall lie to the Deputy Commissioner and from an order of the Deputy Commissioner passed otherwise than on appeal, to the Commissioner.

(2) An appeal under these rules shall be preferred within 60 days from the date of the order appealed against, in the form of a memorandum setting forth concisely the grounds of objection to such order and shall be accompanied by a fee of Rs. 5/-. The appellate authority after giving an opportunity to the parties to be heard and after such further enquiry, if any, as it may deem necessary, may confirm, or set aside such order and shall make an order accordingly.

23. *Declaration for the year 1960-61.*—Every licensed vendor or a cultivator shall, within fifteen days of the coming into force of these rules submit a true declaration in Form P. H. 8 to the Inspector in respect of the stocks of lanced poppy heads in his possession on the day of coming into force of these rules and shall also declare every building used by him for storing the same. He shall, if he is a licensed vendor, pay the duty thereon imposed under rule 14 within ten days of making of such declaration, or shall execute a bond with or without surety on the same day when he made the declaration for payment thereof within one month. In

case he is a cultivator, he shall dispose them of within one month of the declaration in accordance with the rules or destroy them in the presence of the Inspector concerned.

24. *Repeal*.—The Rajasthan Opium (Lanced Poppy Heads) Rules, 1958, are hereby repealed except as respects things done or omitted to be done before such repeal, and every license granted under the said rules shall be deemed to have been granted in accordance with the provisions of these rules.

### FORM P. H. 1

(vide rule 4)

Declaration by a cultivator

(Delete the letters and words not applicable)

I/We . . . . . (name with parentage) . . . . .  
residing at village . . . . . Tehsil . . . District . . . hereby  
declare particulars, in the schedule below, of the land on which  
I/we cultivated the poppy during the year . . . and the total quantity  
of lanced poppy heads of the produce thereof.

2. I/We agree to abide by the provisions of the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960, and orders issued thereunder.

3. I/We declare that to the best of my/our knowledge and belief the information furnished herein is true and complete.

Place . . . . .

Date . . . . .

Signature (s) or thumb impression (s) of the  
cultivator (s).

### SCHEDULE

1. Village . . . . .
2. Tehsil . . . . .
3. District . . . . .
4. Survey No . . . . .
5. Area . . . . .
6. Description of land specifying boundaries or survey or field number . . . . .
7. Total produce of lanced poppy heads . . . . .
8. Details of the building or place used or to be used for storing the total quantity of lanced poppy heads . . . . .

### FORM P. H. 2

(Vide rules 5, 6 and 7)

Certificate for transport, import or export of lanced poppy heads,  
(Delete the letters and words not applicable)

1. Name and address of the person supplying the lanced poppy heads—  
(a) cultivator . . . . .  
(b) bonded warehouse licence . . . . .
2. (a) Form No. and date of the declaration by the cultivator.  
(b) Licence No. and date of the bonded warehouse.

3. Number and description of packages.
4. Name and address of the person receiving the lanced poppy heads.
5. Licence No. and date of the bonded warehouse where the lanced poppy heads are to be consigned.
6. Manner of transport.
7. Route.
8. In the case of export, No. and date of import permit and whether duty paid or under bond.
9. Validity up to..... day of.....

Place.....

Date.... ..

Signature of the Assistant Commissioner.

Seal of the Asstt. Commissioner.

- Note:—*(1) To be issued in triplicate, original to be retained in the office of issue, duplicate to be given to the consignor and the triplicate to the consignee.
- (2) In case of export without payment of duty an endorsement by the officer of the importing State shall be obtained that the consignment agrees in all respects with the description noted above. *This copy shall be produced in the office of issue within a period of one month for entry in the relevant register, failing which duty may be recovered.*

### FORM P. H. 3

(vide rules 5 and 8)

Permit for duty paid lanced poppy heads

(Delete the letters and words not applicable)

1. Name and address of the person supplying the lanced poppy heads—
  - (a) Cultivator.
  - (b) Bonded warehouse licence.
2. (a) Form No. and date of the declaration by the cultivator.
- (b) Licence No. and date of the bonded warehouse.
3. Number and description of packages.
4. Name and address of the licensed vendor receiving the lanced poppy heads.
5. Licence No. and date of the vendor referred to at item No. 4.
6. Amount of duty.
7. No. and date of treasury receipt and name of the treasury where duty deposited.
8. Manner of transport.
9. Route.

10. Validity up to .....day of .....

Place.....

Date.....

Signature of the Assistant Commissioner.

Seal of the Assistant Commissioner.

NOTE:—To be issued in triplicate, original to be retained in the office of issue, duplicate to be given to the consignor and the triplicate to the consignee.

### FORM P. H. 4

(vide rule 9)

Licence for establishment of a private bonded warehouse

(Delete the letters and words not applicable)

The undermentioned premises belonging to Shri/Sarvshri/.....  
 .....of.....are hereby licensed,  
 subject to the provisions of the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960 and any orders issued thereunder as a private bonded warehouse for the storage of lanced poppy heads on which duty has not been paid.

Situation and description of the premises :

.....

.....

2. The license is granted to Shri/Sarvshri.....  
 ..... (name with parentage)  
 who is/are holding a licence No .....date.....for wholesale  
 of lanced poppy heads at the premises.....

3. This licence will remain in force until 31-3-19 , unless  
 revoked before that date.

4. The licensee shall maintain proper and true daily accounts  
 of purchase and sale regularly and produce his licence, sale acco-  
 unts and stocks of lanced poppy heads for inspection immediately  
 on demand by any officer of the Excise & Taxation Department  
 not below the rank of an Inspector.

5. On breach of the condition of this licence or provisions of  
 the Opium Act, 1878 or the Bombay Prohibition Act, 1949 and  
 Rules made thereunder or of any order or instructions issued from  
 time to time, the licence shall be liable to be revoked in addition  
 to other punishments which may be inflicted under the provisions  
 of the said Act;

Provided that whereupon an application made in this behalf,  
 the Assistant Commissioner is satisfied that the breach is of minor  
 nature, he may condone such breach upon payment of Rs. 25/- by  
 the licensee.

Place.....

Date.....

Signature of the Assistant Commissioner.

## FORM P. H. 5

(vide rule 9)

## Warehouse Register

1. Situation of warehouse.
2. Name of licensee.
3. No. and date of licence.
4. No. and description of packages with number and date of the certificate.
5. Gross weight.
6. Net weight.
7. Room or place in warehouse in which deposited.
8. No. of packages delivered.
9. Net weight delivered.
10. Name and address and licence number of person to whom delivered.
11. Amount of duty.
12. No. and date of permit.
13. Balance in stock in wherehouse
  1. No. of packages.
  2. Net weight.
14. Remarks.

## FORM P. H. 6

(vide rule 10)

Licence for the wholesale vend of lanced poppy heads.

(Delete the letters and words not applicable)

Licence No.....

District .....

Division.....

Locality of the shop.....

Licence for wholesale vend of lanced poppy heads is hereby granted to Shri ..... S/o..... resident of..... in the premises..... in the town..... during the year ending March 31,..... subject to the following conditions and to the provisions of the Opium Act, 1878 and the Bombay Prohibition Act, 1949 and the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960—

1. This licence is granted for a Licence fee of Rs..... (in words) ..... The licensee shall deposit this amount in six equal instalments to be paid as per conditions of auction notice.

He has deposited Rs ..... (in words ..... ) being the last two instalments at the fall of hammer as advance deposit before issue of this licence.

2. The licensee shall maintain a private bonded warehouse and shall obtain a licence for the same.

3. The licensee shall make sales only to a licensee of lanced poppy heads and not to any other person.

4. The licensee shall produce for inspection his licence accounts and total stock of lanced poppy heads on demand by the officers of the Excise and Taxation Department not below the rank of an Inspector and allow such officer to enter the licensee premises at any hour of the day or night for the purpose of inspection and afford all reasonable facilities to him for this purpose.

5. The licensee shall keep in ink a true daily account in the following form showing the receipt and sale of poppy heads each day and the balance and stock:—

Date	Quantity of lanced poppy heads in stock from the day pre-ceeding	Quantity received and whence received.	Place from where received.	Whether under bond or duty paid. If duty paid amount of duty and Treasury receipt No. and date.	No. and date of certificate and the authority with its place.
1	2	3	4	5	6
Total quantity in stock.	Quantity sold.	To whom sold with full particulars.	No. & date of permit under cover of which it is sold.	Closing balance.	Remark
7	8	9	10	11	12

6. On breach of any of the above conditions, or any of the provisions of the Opium Act, 1878, or the Bombay Prohibition Act, 1949 or the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960 or of any orders or instructions issued from time to time, this licence shall be liable to be revoked by the Assistant Commissioner in addition to other punishment which may be afflicted under the provisions of the said Act:

Provided that whereupon an application made in this behalf the Assistant Commissioner is satisfied that the breach is of minor nature, he may condone such breach upon payment by the licensee of a sum of money not exceeding rupees two hundred.

Place.....

Date .....

Signature of the  
Assistant Commissioner.

FORM P.H. 7  
(vide Rule 10)

Licence for the retail vend of lanced poppy heads  
(Delete the letters and words not applicable)

Licence No.....

District.....

Division.....

Locality of the shop.....

Licence for the retail vend of poppy heads is hereby granted to Shri ..... S/o ..... resident of ..... in the premises ..... in the town ..... during the year ending March 31, 19.....subject to the following conditions and to the provisions of the Opium Act, 1878 and the Bombay Prohibition Act, 1949 and the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960:—

1. This licence is granted for a licence fee of Rs ..... (in words)..... The licensee shall deposit this amount in six equal instalments to be paid as per conditions of auction notice.

He has deposited Rs ..... (in words) ..... being the last two instalments at the fall of hammer as advance deposit before issue of this licence.

2. The licensee shall not have in his possession at any one time more than 200 Kgs. of lanced poppy heads.

3. The licensee shall sell no lanced poppy heads but such as he may obtain legally from the wholesale licensee, or cultivator on pre-payment of duty thereon and shall not receive or have in his possession any stock obtained otherwise. All stocks so obtained shall be transported to his shop under cover of a permit in Form .. .. signed by the Assistant Commissioner within the time allowed.

4. Sales shall only be made at the shop named above and not in quantity exceeding 2 Kgs. to an individual at any one time in a day.

5. Sales shall not be made between the hours of sun set and sun rise.

6. The licensee shall keep in ink a true daily account in the following form showing the receipt and sale of poppy heads each day and the balance in stock. He shall also show the name, father's name and residence of each purchaser of 1 Kg. lanced poppy heads and upwards, the entry is to be made immediately after each transaction:—

Date	Quantity of lanced poppy heads in stock from the day preceding.	Quantity received and whence received.	Amount of duty paid thereon.	Treasury receipt No. and date and name of treasury
1	2	3	4	5
No. and date of permit.	Total quantity in stock.	Quantity sold this day.	Name, father's name, residence of each purchaser	Closing Balance
6	7	8	9	10

7. The shop shall not be located in the same building in which a shop licensed to sell lanced poppy heads by wholesale or bonded warehouse is located.

8. The licensee shall not allow any person to conduct sales in his licensed premises unless the name of such person has been previously submitted to the Assistant Commissioner for approval and endorsed by him on the licence.

9. The licensee shall produce for inspection his licence, accounts and total stock of lanced poppy heads on demand by the officers of the Excise and Taxation Department not below the rank of an Inspector and allow such officer to enter the licensed premises at any hour of the day or night for the purpose of inspection and afford all reasonable facilities to him for this purpose.

10. At the termination of this licence, in case he has not been granted the licence for the ensuing year, the licensee shall sell the balance stock of lanced poppy heads to any other licensee after obtaining necessary sanction from the Assistant Commissioner. If he is unable to dispose of his stock within a period of one month it will be liable to be confiscated for which he will not be entitled to claim any compensation.

11. On breach of any of the above conditions, or any of the provisions the Opium Act, 1878, or the Bombay Prohibition Act, 1949, or the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960 or of any orders or instructions issued from time to time, this licence shall be liable to be revoked by the Assistant Commissioner in addition to other punishment which may be afflicted under the provisions of the Act:

Provided that whereupon an application made in this behalf, the Assistant Commissioner is satisfied that the breach is of minor nature, he may condone such breach upon payment by the licensee of a sum of money not exceeding rupees hundred.

Place .. .. .

Date..... .. .

Signature of the  
Assistant Commissioner.

### FORM P.H.

(vide Rules 23)

Declaration by a vender/cultivator.

(Delete the letters and words not applicable)

I/We ..... .. .

(name with parentage)

am/are (holding a license for the retail/wholesale vend of poppy heads/cultivators over the area..... .. .) during the year 1960-61 at..... .. . Tehsil..... .. .

## (Village and Location))

District.....

2. I/We declare the particulars in the schedule below of the total stocks of lanced poppy heads in my/our possession on.....

3. I/We agree to abide by the provisions of the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960 and orders issued thereunder.

4. I/We declare that to the best of my/our knowledge and belief the information furnished herein is true and complete.

Place.....

Date.....

Signature of the Licensee.

## SCHEDULE

Exact location of the licensed premises.

2. Village or town.
3. Tehsil.
4. District.
5. Number and description of packages.
6. Net weight of lanced poppy heads.

By Order of the Governor,

RAM SINGH,

Secretary to the Government.

*Notifications under*

**Rajasthan Opium (Lanced Poppy Heads) Rules, 1960**

*Published in Raj. Raj-patra part IV (c) dated Jana. 20, 1961 at page 360 :*

*Jaipur, January 20, 1961.*

**No. F. 1 (110) E.&T./60-III.**—In pursuance of the powers conferred by the proviso to rule 14 of the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960, the State Government hereby reduces with immediate effect the duty on the export of lanced poppy heads outside the State from fifty naye paise to four naye paise per Kilo-gram.

*Jaipur, January 20, 1961.*

**No. F. 1 (110) E.&T./60-III.**—In exercise of the powers conferred by rule 15 of the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960, the State Government, being of the opinion that it is expedient in the public interest to do so, hereby exempts from payment of duty the stock of lanced poppy heads declared by the whole-sale licensed vendors under rule 23 of the said rules subject to the condition of their obtaining a licence for a private bonded warehouse under rule 9 thereof.

By Order of the Governor,  
RAM SINGH,  
Secretary to the Government

## *Notifications under*

### RAJ. OPIUM (LANCED POPPY HEADS) RULES, 1960

Notification No. F. 1 (44) F. D/R T/64.—In exercise of the powers conferred by the proviso to sub rule (1) of rule 14 of the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960, and in supersession of Excise & Taxation Department Notification No. F. 1 (110) E. & T./60/II dated the 20th January, 1961, the State Government hereby :—

- (1) enhances the duty payable under said sub-rule except on the export of lanced poppy heads outside the State to 75 nP. per kilogram, and
- (2) reduces the duty on the export of lanced poppy heads outside the State to 60 nP. per kilogram,

with immediate effect.

[Finance (Revenue and Economic Affairs) Department Revenue Sec. Notification dated 1-4-64 Published in Rajasthan Gazette Extraordinary Part 4 (Ga) dated 1-4-64]

Finance (Revenue & Economic Affairs) Department  
(EXCISE SECTION)

Jaipur, May 29, 1967.

Notification No. F. 1 ( 20 ) FD/Ex/67.—In exercise of the powers conferred by the proviso to sub-rule (1) of rule 14 of the Rajasthan Opium (Lanced Poppy Heads) Rules, 1960 and in supersession of Finance (Revenue and Economic Affairs) Department (Revenue Section) Notification No. F. 1 (44) FD/RT/64, dated the 1st April, 1964, the State Government hereby :—

- ( i ) enhances the duty payable under the said sub-rule except on the export of lanced poppy heads outside the State to 25 paise per kilogram, and,
- ( ii ) enhances the duty on the export of lanced poppy heads outside the State to 15 paise per kilogram.

with immediate effect.

[Pub. in Raj. Gaz. Ex. 4 (Ga) Dt. 29-5-67 Page 184]

## Rules Regarding Driage and Wastage of Opium at Opium Warehouses

Jaipur, June 28, 1961.

No. F. 1 (39) E&T/58.—In exercise of the powers conferred by section 8 of the Opium, Act 1878 (I of 1878) and in supersession of the existing rules on the subject in force in the Ajmer area, the Sunel area and the area of the pre-reorganisation State of Rajasthan, the State Government hereby makes the following rules regarding driage, wastage of opium at the opium warehouses, namely:—

1. *Stock taking*.—On the last working day of every calendar month, after all transactions for the day are over, the excise officer-in-charge of the warehouse shall after verifying the stock of opium in the warehouse close the accounts of the month. The actual stock shall consist of the un-opened containers standing as unopened in the prescribed register and the quantity remaining in any container from which issues are made. The In-charge-officer shall verify the stock by comparison of entries opposite the unopened containers in the said register with the entries on the card attached to the containers.

2. *Allowance for Driage*.—The permissible maximum limit of wastage shall be as noted below:—

- |                             |   |
|-----------------------------|---|
| (i) At Central ware house   | (a) 3 mashas per seer for storage subject to the certificate of the Gazetted Officer-in-charge, that the container or the containers were opened and contents weighed before him. |
|                             | If unopened containers are issued from the Central Warehouse, the wastage will be applied at the warehouse where a container is opened and not at the Central Warehouse.          |
| (ii) At District warehouse. | (b) 3 mashas per seer on issue, if made from the Central Warehouse to the licensees.  |
|                             | 3 mashas per seer on issue. No storage wastage will be allowed.   |
| (iii) At Tehsil warehouse.  | 3 mashas per seer on issue. No storage wastage will be allowed.   |

## 2 ] Rules Regarding Driage and Wastage of Opium at Opium Warehouses

(iv) At Depots established under rule 11 of the Rajasthan Opium Rules, 1959 and run by the Department and not through commission agents. 6 mashas per seer on the retail sale. No storage wastage will be allowed.

*Note.*—(1) The wastage would be allowable only on actual weighing and shall not be deducted on sales as a matter of routine.

(2) "Container" means any box, chest etc containing opium filled and sealed at a Government Opium factory.

(3) "Wastage" means the less in net weight due to evaporation of moisture.

3. *Procedure when Driage exceeds the allowable limit.*—Wastage exceeding the permissible limit shall be reported with reasons by the Inspector or warehouse in charge in monthly wastage statement to the Assistant Commissioner. The Assistant Commissioner will enquire into the matter and submit the paper to Deputy Commissioner of the Division together with his own recommendations as to the levy or remission of the amount of duty and cost chargeable. The Deputy Commissioner shall forward the case with his remarks to the Excise Commissioner for orders who will decide the case under the financial powers delegated to him in such cases.

4. *Increase in weight.*—If there be any increase in weight such increase shall be entered in the register meant for this purpose and full details shall be reported through proper channel to the Deputy Commissioner.

By Order of the Governor,  
S. P. SINGH BHANDARI,  
Secretary to the Government.

## *Notifications under*

### **OPIUM ACT, 1878.**

*Published in Raj. Raj-patra Dated May 30, 1957 part IV (c) at page 78*

**Jaipur, May 7, 1957.**

**No. F. 37 (1) SR/53.**—In exercise of the powers conferred by section 14 of the Opium Act, 1878 (Act I of 1878), the State Government does hereby authorise with effect from the date of publication of this notification in the Rajasthan Gazette, the following officers of the State of Uttar Pradesh to exercise within the District of Bharatpur the powers under sections 14 and 15 of the said Act on the condition that the persons arrested and things seized shall be immediately handed over to the Excise Inspector of the Circle concerned, namely:—

1. Assistant Excise Commissioner, Agra Charge.
2. Assistant Excise Commissioner, Excise Intelligence Bureau, Allahabad.
3. Excise Inspectors of—
  - (a) Agra and
  - (b) Mathura Districts.
4. Excise Inspectors, Excise Intelligence Bureau, Allahabad.

*Published in Rajasthan Raj-patra Dated April 1, 1958 part IV (c) at page 2*

**Jaipur, April 1, 1958.**

**No. F. 1 (22)/E&T/58/IV.**—In exercise of the powers conferred by section 5 of the Opium Act, 1878 (Central Act I of 1878), the State Government hereby makes the following amendment with effect from the 1st April, 1958 in the Rajasthan Opium (Sale of Lanced Poppy Heads) Rules issued under this Department notification No. F. 14 (84) E&T/56 II, dated the 16th November, 1956, namely.

#### *Amendment*

For rule 4 of the said Rules, the following shall be substituted.  
“4. A licence under rule 3 shall, if issued, be issued for a year commencing on the 1st April. A fee of Rs. 50/- and Rs. 20/- per annum for the wholesale and retail sale licence respectively shall be paid by a licensee before a licence is issued. A licence may, subject to the provision of rule 5 be renewed annually on a payment of the above fee for each such renewal.”

*Published in Rajasthan Raj-patra Dated June 5, 1958 part IV (c) at page 339*  
Excise and Taxation Department.

### NOTIFICATIONS.

Jaipur, January 18, 1958.

No. F. 37 (1) /SR/53/I.—In exercise of the powers conferred by section 14 of Opium Act, 1878 (Act I of 1878), the Government of Rajasthan does hereby authorise with effect from the date of publication of this notification in the Rajasthan Gazette, the following officers of the State of Punjab to exercise within the districts of Rajasthan shown against them respectively, the powers under sections 14 and 15 of the said Act subject to the condition that the persons arrested and things seized shall be immediately handed over to the Excise Inspector of the circle concerned, namely:—

*Officers.*

*District of Rajasthan.*

1. Excise & Taxation Officer, the Assistant Excise and Taxation Officer, Excise Inspector, and Excise Sub-Inspector, Excise staff of Intelligence Bureau not below the rank of sub-Inspector posted in

(a) Hisar District

(a) Ganganagar, Churu and Jhunjhunu

(b) Gurgaon District

(b) Alwar and Bharatpur

(c) Firozpur

(c) Ganganagar

(d) Mahendargarh

(d) Sikar, Jhunjhunu and Alwar

*Published in Raj. Raj-patra Dated Dec. 11, 1958 part IV (c) at page 1255-1256*

Jaipur, November 27, 1958.

No. F. 37 (1) SR/53/A.—In exercise of the powers conferred by section 14 of the Opium Act, 1878 (Act I of 1878) the State Government does hereby authorise with effect from the date of publication of this notification in the Rajasthan Gazette, the following officers of the State of Uttar Pradesh to exercise within the District of Bharatpur the powers under sections 14 and 15 of the said Act on the condition that the persons arrested and things seized shall be immediately handed over to the Excise Inspector of the Circle concerned, namely:—

1. Assistant Excise Commissioner, I/C Charas and Ganja Squads, U. P., Allahabad, and
2. Superintendent of excise, Ganga Squad, Western Zone, Aligarh.

## Notifications under

### OPIUM ACT, 1878.

*Published in Raj. Raj-patra part IV (c) dated August 20, 1959 at page 463*

Jaipur, July 29, 1959.

No. 144/59/F. 1 (40) ET/58.—In exercise of the powers conferred by section 19 of the Opium Act, 1878 (Central Act 1 of 1878) and in supersession of Notification No. F. 14 (84) ET/56-10, dated the 16-11-56, the State Government hereby authorises the following officers to issue warrants of arrest for the purposes, mentioned in the said section namely—

1. Officers of the Excise Department of Government of Rajasthan of or above the rank of an Assistant Commissioner.

2. All Revenue Officers of the Government of Rajasthan of or above the rank of a Tehsildar.

3. Officers of Opium (Narcotics) Department of the Government of India of or above the rank of a District Opium Officer.

*Published in Raj. Raj-patra part IV (c) dated July 14, 1960 at page 126*

Jaipur, April 6, 1960.

No. D. 983/60/F. 1 (40) ET/58.—In exercise of the powers conferred by section 19 of the Opium Act, 1878 (Central Act 1 of 1878) the State Government hereby makes the following amendments in this department notification No. D. 144/59/F. 1 (40) ET/58, dated the 29th July, 1959, namely:—

#### AMENDMENT

In the fifth line of the said notification, the words "of arrest" appearing between the words "warrants" and "for the purposes" shall be deleted.

*Published in Raj. Raj-patra part IV (c) dated February 18, 1960 at page 1205-06*

Jaipur, November 23, 1959.

No. D. 6774/58 F. 37 (1) SR/53-1.—In exercise of the powers conferred by section 14 of Opium Act, 1878 (Act I of 1878), and in supersession of the notification No. F. 37 (1) SR/53/I dated the 18th January, 1958, the Government of Rajasthan does hereby authorise with effect from the date of publication of this notification in the Rajasthan Gazette, the following officers of the State of Punjab to exercise within the districts of Rajasthan shown against them respectively, the powers under sections 14 and 15 of the said Act subject to the condition that the persons arrested and things seized shall be immediately handed over to the Excise Inspector of the Circle concerned, namely:—

Officers

Districts of Rajasthan

1. Excise & Taxation Officer,  
the Assistant Excise and

Taxation Officer, Excise Inspector & Excise Sub-Inspector posted in—

(a) Hisar District

(b) Gurgaon District

(c) Firozpur District

(d) Mahendargarh District

(a) Ganganagar, Churu and Jhunjhunu Districts.

(b) Alwar & Bharatpur Distts.

(c) Ganganagar District

(d) Sikar, Jhunjhunu & Alwar Districts

2. Staff of the Excise Intelligence Bureau not below the rank of Excise Sub-Inspector and Police Sub-Inspector

Ganganagar, Churu, Alwar, Sikar, Jhunjhunu and Bharatpur Districts

Jaipur, December 24, 1959.

*No. 3098/59/F. 1 (4) ET/59.*—In exercise of the powers conferred by section 5 of the Opium Act, 1878 (Central Act I of 1878), the State Government hereby makes the following further amendments in the Rajasthan Opium Rules published under this Department Notification No. F. 1 (4) ET/59 dated 10th March, 1959, in Rajasthan Rajpatra Extra Ordinary Part IV (C) dated the 16th March, 1959, namely:—

### AMENDMENTS

In the said Rules:—

(1) in rule 2 (i) (k) for the word "sowniform" the word "somniferum" shall be substituted;

(2) in clause (a) of the first proviso to rule 6 (ii) the word "in" shall be inserted between the words "certificate" and "Form";

(3) in the proviso to rule 8 (iii) the words "and the quantity..... of opium" in lines 2 and 3 shall be deleted;

(4) in rule 14, for the word "imported" appearing in line 2 the word "obtained" shall be substituted;

(5) in the proviso to rule 14 for the word "for" appearing line 3, the word "from" shall be substituted;

(6) in rule 15 (iv) the word "is" shall be inserted between the words "officer" and "not" occurring in line 8;

(7) in rule 17 (ii) for the word "export" in line 2 the word "transport" shall be substituted;

(8) in the proviso to rule 20 for the word "for" in line 2, the word "from" shall be substituted;

(9) in rule 26 (vi) for the words "it seems" in line 4 the words "he deems" shall be substituted; and

(10) the heading of the form "Form O. O. IV" shall be read as "Form O. P. IV".

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*Rules and Notifications under*

OPIUM SMOKING PROHIBITION ACT, 1950  
( P.A.J. ACT No. 7 OF 1950 )

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# RAJASTHAN OPIUM SMOKING PROHIBITION RULES, 1957

*Jaipur, January 18, 1958.*

No. F. 1 (10) E. and T./57.—In exercise of the powers conferred by section 19 of the Rajasthan Opium Smoking Prohibition Act, 1950 (Act No. VII of 1950), the Government of Rajasthan makes the following rules, namely:—

## *I. Introductory*

1. (1) These rules may be called the Rajasthan Opium Smoking Prohibition Rules, 1957.

(2) They shall come into force at once.

### *Notes*

Section 19 of the Rajasthan opium smoking prohibition Act, 1950 authorises the State Government to make rules for carrying out the objects of the Act. Sub-section (2) of section 19 requires the State Government to frame rules in particular for regulating the disposal of things confiscated under the Act, and prescribing and regulating the payment or rewards out of fines imposed under the Act.

2. In these rules the words "the Act" shall mean the Rajasthan Opium Smoking Prohibition Act, 1950.

## *II. Disposal of things Confiscated.*

### *Notes*

Section 16 of the Act requires that,—On the conviction of any person for an offence under this Act the Court may order that any opium or any instrument, apparatus or appliance in respect of, or by means of which such offence has been committed, or any receptacle, package or covering in which such opium, instrument, apparatus or appliance was found, and any other contents of such receptacle, package or covering, shall be confiscated or destroyed.

The rules 3 to 7 prescribe the manner in which the opium and things confiscated or destroyed under section 16 shall be disposed of.

3. Upon confiscation under section 16 of the Act, the court may order that any opium or any instrument or apparatus or any receptacle, package or covering so confiscated shall be made over to Assistant Commissioner, Excise after the period of appeal has expired or if an appeal has been made to the knowledge of the court, against the order of the confiscation, then until such appeal is disposed of:

Provided that if any article is of perishable nature it may be disposed of immediately by the court or the said Excise officer, as the case may be, by giving reasons in writing for such disposal and the sale proceeds shall be credited in the Government Treasury as deposit till the period of appeal expires or until the appeal is disposed of, as the case may be.

*Explanation*—Perishable articles are those in respect of which arrangement can not be made to keep them in the same condition as they were at the time of seizure till the time of final decision or proper arrangement cannot be made for their safe custody.

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*These rules have been first published in Raj. Raj-patra dated May 22, 1958 in Part IV (c) at page 263.*

*Notes.*

Words "District Excise Officer or" previously occurring before words "Assistant Commissioner" have been deleted vide Excise and Taxation Department Notification No. F. 1(17) E & T/60 dated April 18, 1961, published in Rajasthan Raj-patra part IV (c) dated May 25, 1961.

4. All articles received from the Magistrate under rule 3, shall be disposed of in the following manner—

(1) Opium other than prepared opium shall be disposed of in accordance with the provisions of the Rajasthan Opium (Disposal of Confiscated Things) Rules, 1956;

(2) Prepared opium and smoking apparatus shall be destroyed by the Assistant Commissioner, Excise so as to make them totally unfit for use;

(3) All other articles shall, unless otherwise directed by the Excise Commissioner in any particular case, be sold by auction by the Assistant Commissioner, Excise, within a reasonable time and shall in the absence of any bid be destroyed.

*Notes.*

Previous rules 4 and 5 have been removed and in place of rules 4 present rule has been substituted vide the same notification dated 18/4/61 referred above.

5. [Omitted.]

6. Disposal of articles in cases not covered by the above rules shall be in such manner as the Excise Commissioner, Rajasthan, may by general or by special order, direct.

7. All sale proceeds shall be credited to Government treasury under proper head as Excise Revenue immediately after any sale under these rules.

**III. Rewards.**

8. (a) On final decision of a case resulting in a conviction or pardon under section 20 of the Act, the Deputy Commissioner, Excise of the division concerned may grant reward on the recommendation of the Assistant Commissioner, Excise of the district up to Rs. 100/- in each case to all such persons who have contributed in any way leading to the detection of the case or conviction of the accused person or persons.

(b) If the Deputy Commissioner, Excise considers that in any particular case the amount of Rs. 100/- is not sufficient he may with the previous sanction of the Excise Commissioner, Rajasthan and administrative department of the Government grant a larger reward not exceeding Rs. 250/- and Rs. 500/- respectively in each case.

*Notes.*

The rule empowers the Deputy commissioner, excise of the division concerned to grant reward in certain cases and provides procedure thereof. The rule has been framed in pursuance of section 19 of the Act.

By Order of the Governor,  
G. S. PUROHIT,  
Secretary to the Government.

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*Rules and Notifications under*

ORPHANAGE AND OTHER CHARITABLE HOMES  
( SUPERVISION & CONTROL ) ACT, 1960.

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*Notification under*

ORPHANAGE & OTHER CHARITABLE HOMES  
(SUPERVISION & CONTROL) ACT, 1960

Notification No. F. 13 (5), SW/60.—In exercise of the powers conferred by sub-section (3) of section 1 of the Orphanages and Other Charitable Homes (Supervision and Control) Act 1960 (Central Act 10 of 1960) the State Government hereby appoints the 2nd day of October 1963 as the date on which the said Act shall come into force in the whole of the State of Rajasthan.

[ Rajasthan Gazette Part IV (Ka) dated 30-9-1963 Page 529 ]